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EASTERN

F.O.
371

1947

PALESTINE

FILE NO. 48

PP - 3975 - 4360

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1					

Reference:-

F.O. 371 / 61807

**CLOSED
UNTIL
1978**

61807

PUBLIC RECORD OFFICE

Group.....*FO*

Class*371*

Piece*61807*

Following document(s)*

~~retained in the Department of origin*~~

transferred to PRO Safe Room*

E 3975/48/31

and closed until.....*1998*

*delete as necessary

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1					

Reference:-

FO 371 / 61807

219

E

E 3979

1947

PALESTINE

13 MAY

Registry Number } E 3979/45/31

TELEGRAM FROM

No. 111 Keff Boynes

Dated Paris.

Received in Registry } 392.

12, May 1947
13 - -

Illegal Immigration, Paris Discussion.
 2/18 Paris to 348 (E 3675/45/31) Tel.
 British official met French representatives at
 Gare d'Orsay May 12. Mr. Appleby Clarke
 demanded 11 AMG pictures in Report.
 gave French reply. Transl. full text.

Last Paper.

9975

References.

Mr. Appleby to Berlin ^(Minutes.)
 has now been replied to by their No. 743 in E 3946
 (attached)

German Dept. T21/0.
 Western Dept. 1/0 June.

(SERIALS)
13/5

Repeated to Washington

The Embassy have now been able to give the French authorities replies to the two points outlined in paragraph 4 within. It remains, however, to give them a reply to the requests reported in paragraph 2 of this telegram.

Miss Appleby, of Norfolk House, was present at the Illegal Immigration Committee yesterday and expressed the view that, while it was entirely reasonable and acceptable that unauthorised trains entering the French Zone from the British Zone should be returned to the British Zone, the latter could hardly be expected to receive trainloads originating in the American Zone. The Committee entirely saw this point of view and I doubt whether we have grounds for pressing the British Zone to accept such an arrangement.

If German Department agree, I suggest that we reply to Paris in the terms of the annexed telegram. The principle of taking back people to our Zone who have entered another territory illegally has already been conceded to the French.

B.S.-Buir

(J.G.S. Beith)

17th May, 1947.

Tels. sent

JB May 21

(Action completed.)

(Index.)

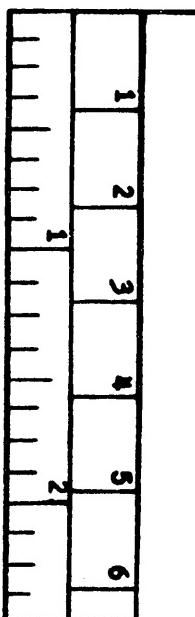
JAN 11/6

JAN 11/8

Next Paper.

E 3991

32003 F.O.P. In P.P. W.Yan depach 1296 26/5.
 Copy our tel. No. 5963 to Washn. to Miss Appleby
 at Norfolk House. Please JB time 12



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FO 371 / 61807

3

det. W 'Yan, 5065

21/1-

8/ as above

May 27.

Tel Paris 850

215

8. as above.

May 24

Copy.
S. W. Tammel, 5065

8. Miss Appleby
C.G.A. Norfolk Island.

Reed 13
again on June 28
with Dr. Beale's Corps.

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1							2

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Cypher/OTP. CABINET DISTRIBUTION. E 3979

FROM PARIS TO FOREIGN OFFICE.

13 MAY

Mr. Duff Cooper. D. 10.30 p.m. 12th May 1947.
No. 392. 12th May 1947. R. 1.55 a.m. 13th May 1947.

Repeated to: Berlin,
Rome.

W:W:W:W:W

MOST IMMEDIATE.

SECRET.

Foreign Office please repeat to Berlin Rome
as my telegrams Nos. 58 and 66.

My telegram No. 348.

Illegal Jewish immigration.

British officials met French Representatives at Quai d'Orsay this morning May 12th. Mr. Ashley Clarke began by summarising grounds which His Majesty's Government had for expecting French Government to co-operate in this matter and stated that our attitude as regards recruitment of German labour would depend on degree of co-operation we received. He expressed thanks for measures already promised by French Government.

2. M. Bousquet then announced confidentially that General Koenig had now laid down following rule with regard to emigrant trains wishing to enter French Zone of Germany. Displaced Persons Directorate of the Zone will inform Transport and Security Directorates of time-table and composition of all authorised D.P. trains. Any other D.P. "trains will be automatically considered clandestine immigrant trains" and will be either turned back at frontier or held up within French Zone. Copy of these instructions has been sent to General Bethouart who will be invited to enforce similar measures in French Zone of Austria. M. Bousquet emphasised however that it would be impossible for French Zone Commander to house the immigrants and that French Authorities therefore required an assurance from us that we would take back into our Zones trainloads which came from there illegally. They would also like us to support a request they have already made to Americans that they should do same. If Americans refused French asked that we ourselves should take those train loads from United States Zone which were turned back from French Zone.

5.

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FO 371 / 61807

13 MAY 1947

- 2 -

5. We consider this to be an important advance on previous position and to be the most important of measures so far conceded by French.

4. M. Bousquet raised again the two points about which French enquired in their Note of 24th April (substance of which was given in our telegram No. 321) that is

(A) Refoulement of clandestine immigrants into British Zone from France and

(B) Proportionate distribution of Palestine quota over the three zones.

No comment on your telegram No. 730 had been received from Berlin at time of our meeting but French were informed that we could reasonably assume that refoulement as proposed in their Note would be accepted by our Zone. We explained some of difficulties in way of distributing limited Palestine quota for Germany amongst three Zones as proposed by French but promised to do what we could to meet their point of view.

M. Bousquet explained that French Cabinet were particularly keen on this proposal and that he himself thought that to deny any part of quota to [gp. undec.] Zone would merely encourage illegal immigration from that Zone.

5. With regard to transit quota of 80090 [sic] M. Bousquet stated that only 2,500 visas had been granted under quota and he was confident that at least eighty per cent of illegal immigrants who reached Palestine waters from France had entered France clandestinely. He thought that only two loopholes left were

(A) Individual passports which are not to be subjected to same control as collective passports and

(B) Secret departures of passengers without visas. He did not think however that these would amount to much and pointed to fact that last three suspected illegal immigrant ships to leave France had done so in ballast.

6. In connexion with case of "Guardian" which had been loaded with five train loads of Jews one of which entered France from Belgium, French suggested that measures put into force in their Zone would result in Franco-Belgian frontier becoming only loophole through which illegal immigrants could pass into France. They suggested that we might care to make representations to Belgian Government requesting latter to tighten control at frontier.

7. M. Bousquet pointed out that General Koenig had accepted provisional system for control of exit from Germany laid down in Tripartite Agreement reached at Paris in January. It had not yet been accepted by other Zone

Commanders

Commanders. He suggested that we should now press for this Agreement to be brought into operation.

8. We then proposed that should shiploads of Jews reach Palestine in future from France we should have to press French Government to receive them back. M. Bousquet immediately said that France was only the country of transit and if they were to be returned anywhere they should go back to country of origin. He stated moreover that any Jews reaching Palestine waters after entering France under legal transit quota might reasonably be taken back by French Authorities. When pressed on this point he also agreed that in order to establish origin of Jews arriving in Palestine waters we might be given nominal rolls of all those who applied for transit visas or exit visas. (Exit visas would cover those entering France under legal quota about whom we should not otherwise have information). He requested that this be treated as a confidential arrangement.

9. We raised question of denying oil and coal bunkers to illegal immigrant ships pointing out that majority were coal burning. Representative of French Merchant Marine proved most willing to co-operate but said that we could not officially discriminate against a particular vessel by denying bunkers on suspicion that she might enter illegal immigrant traffic. He would however examine possibility of taking some such steps unofficially but felt that most effective assistance he would be able to offer would be to delay or embarrass these vessels on basis of Safety of Life at Sea Convention. He suggested that we might ourselves deny insurance to these ships in [gp. undec. ? case]. any of them were insured in United Kingdom. He requested that his comments and proposed action be treated as confidential.

10. It was agreed that it would be desirable to have a regular channel of information between French Ministry of Foreign Affairs and British Embassy for increased liaison in regard to reciprocal supply of information on illegal immigrant traffic.

11. M. Bousquet finally reverted to question of recruitment of German labour and expressed hope that in return for French co-operation on illegal immigration we should be able to meet them on this point.

[Repeated to Berlin and Rome.]

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Reference:- FO 371 / 61837					

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

I.P.G.

Draft.

H.M. Ambassador
Paris

Telegram.

No. 761
(Date) May 13th

Repeat to :—

En Clair.
Code.
Cypher.

Distribution :—

No. 1 Departmental.

Copies to :—

OUT FILE F.O.

194

Despatched 7.45 A.M.

IMMEDIATE

~~Confidential~~

Following for Beith from Garran

Paris telegram No. 392 para. 8.

Following is extract from Note by
Ministry of Transport to Illegal Immigration
Committee:

"There are important coal bunker depots,
under French control, at Oran, Algiers, Bone,
Casablanca and Dakar. The Ministry of
Transport arrange the coal supplies for
these bunker depots but any attempt to
put pressure on the firms concerned not to
supply coal to the suspected ships, would
probably meet with the reply that such
"discrimination" could not be implemented
without instructions from their Government.
We ought to consider, therefore, whether an
official approach should be made to the French
Government in support of our action."

There are other French controlled depots,
e.g. Tunis, Bizerta, Sfax, Marseilles, in
respect of which the Ministry of Transport is
not in a position to exercise any influence.
Refusal of supplies to suspected ships
could only be brought about by direct
intervention of the French Government."

*Above may assist you in discussions
with the French.*

*RJG
Vic/S*

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Reference:-

FO 371 / 61807

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Cypher/OTP

DEPARTMENTAL NO. 1

8

FROM FOREIGN OFFICE TO PARIS

No. 761.

D: 7.45.p.m. May 13th, 1947.

May 13th, 1947.

-----00-----

IMMEDIATE

Confidential.

Following for Beith from Garran.

Paris telegram No. 392 paragraph 8.

Following is extract from Note by Ministry of Transport
to Illegal Immigration Committee:

"There are important coal bunker depots, under French control, at Oran, Algiers, Bone, Casablanca and Dakar. The Ministry of Transport arrange the coal supplies for these bunker depots but any attempt to put pressure on the firms concerned not to supply coal to the suspected ships, would probably meet with the reply that such "discrimination" could not be implemented without instructions from their Government. We ought to consider, therefore, whether an official approach should be made to the French Government in support of our action.

There are other French controlled depots, e.g. Tunis, Bizerta, Sfax, Marseilles, in respect of which the Ministry of Transport is not in a position to exercise any influence. Refusal of supplies to suspected ships could only be brought about by direct intervention of the French Government."

Above may assist you in discussions with the French.

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Reference:-

FO 371 / 51837

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. E 3979/48/31

J.G.S.B.

Draft.
Paris.

Telegram.

No. 850

Dated May 17th

Cypher
Cabinet Dist.

Repeat to:

Berlin 182-8

Washington 5066

Rome 185 SAV
Saving

Copy I.I.P.

German Dept.
trust
AB May 17

OUT FILE 22 May 1947.

Despatched 22 May 1947 M.

A 9

IMPORTANT

Your telegram No. 392 [of May 12th:
Jewish illegal immigration], paragraph 2.

We are prepared to receive back into
the British Zone trainloads which may
enter the French Zone thence illegally,
and we are supporting the French request
to the United States Government that the
United States Zone should do the same.

We are not likely to be able to agree to
the suggestion that we should accept
in our Zone trainloads from the American
Zone which the latter refuse to take back.
We need not, however, give the French
authorities a definite reply on this
point until we see what the United States
Government answer.

P.G.
21/5

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Reference:-

FO 371 / 51817

10

OUT FILE

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E3979/48/31.

CYPHER/OTP

CABINET DISTRIBUTION
FROM FOREIGN OFFICE TO PARIS.

NO. 850.
May 21st, 1947. D. 4.45. a.m. May 22nd, 1947.

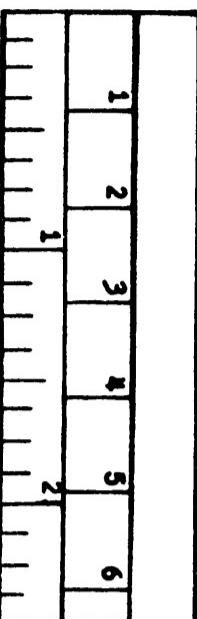
Repeated to Berlin No. 1528.
Washington No. 5066.
Rome No. 185 Saving.

66666666

IMPORTANT.

Your telegram No. 392 [of May 12th: Jewish illegal immigration,] paragraph 2.

We are prepared to receive back into the British Zone trainloads which may enter the French Zone thence illegally, and we are supporting the French request to the United States Government that the United States Zone should do the same. We are not likely to be able to agree to the suggestion that we should accept in our Zone trainloads from the American Zone which the latter refuse to take back. We need not, however, give the French authorities a definite reply on this point until we see what the United States Government answer.



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FO 371-31807

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. E 3979/48/31

J.G.S.B.

Draft.
Washington.

Telegram.

No. 5065
Dated May 21st

Repeat to:

Paris 1153 SAV:
Saving

Berlin 1527

Rome 184 SAV:
Saving

Cypher

Cabinet Dist.

Copy I.I.P.

German Dept. from

df mon 17

N.A. Dept
21/6

OUT FILED
May, 1947.

Despatched 30 A.M.

IMPORTANT

Paris telegram No. 392 [of May 12th:
Jewish illegal immigration], paragraph 2 and

my telegram No. 850 to Paris
[of May 21st] N.P. Please support
the French request strongly with the
United States Government, informing them
that we have agreed to a similar request
made to us.

2. You will recall that a tripartite
agreement between British, French and
American experts was initialled in Paris
on January 10th regarding the control of
entry into and exit from the three
Western Zones of Germany (see correspond-

ence ending with my Paris tel. No 16 Saving
of Jan. 17th). French authorities state that their Zone
Commander has agreed to measures proposed, and that they are
ready to ratify this agreement, and we
hope very shortly to be in a position to
do the same, subject possibly to minor
amendments. Please enquire when the

American/

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Reference:-

FO 371/61807

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12

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American Government will be in a position to ratify and emphasise the importance we attach to clearing up this matter, which has now hung fire for several months.

Rg
✓ 2/5

NOTHING TO BE WRITTEN IN THIS MARGIN.

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Refere

FO
37
~~31807~~

FILE

13

E3979/48/31.

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Cypher/OTP

CABINET DISTRIBUTION

FROM FOREIGN OFFICE TO WASHINGTON

No. 5065.

May 21st, 1947.

D. 6.30. a.m. May 22nd, 1947.

Repeated to Paris No. 1153 Saving.

Berlin No. 1527.

Rome No. 184 Saving.

6 6 6 6

IMPORTANT.

Paris telegram No. 392 [of May 12th: Jewish illegal immigration], paragraph 2 and my telegram No. 850 to Paris [of May 21st].

Please support the French request strongly with the United States Government, informing them that we have agreed to a similar request made to us.

2. You will recall that a tripartite agreement between British, French and American experts was initialled in Paris on January 10th regarding the control of entry into and exit from the three Western Zones of Germany (see Paris telegram No. 16 Saving of January 11th). French authorities state that their Zone Commander has agreed to measures proposed and that they are ready to ratify this agreement and we hope very shortly to be in a position to do the same, subject possibly to minor amendments. Please enquire when the American Government will be in a position to ratify and emphasise the importance we attach to clearing up this matter, which has now hung fire for several months.

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FO 371 / 618M7

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No. 1296 Original entered C
G124/ 147 INDEXED
WR 14

HIS Majesty's Ambassador at Washington presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Embassy

Washington, D. C.



copy 4 JHN 1947 was
26th May 1947

Reference to previous correspondence:

F.O. telegram 5065 to Washington

Description of Enclosure.

Name and Date.	Subject.
Copy of letter from Sir John Balfour to Mr. Acheson, 26 May.	Tripartite Travel Agreement of 11th January.

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F.O. 371 / 31807

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15

6th May 1947

Ref: 0124/ 147

SECRET

You will remember that an agreement was initialled by United States, British and French representatives in Paris on the 11th January last concerning the exit provisions of the Tripartite Travel Agreement affecting the three western zones of Germany which had been concluded on the 22nd May 1946. This agreement on exit provisions was to come into force one month after mutual notification of final approval by the respective governments.

The French authorities have informed H.M.G. in the United Kingdom that their Zone Commander in Germany has agreed to the measures proposed and that they are now ready to ratify the agreement. H.M.G. hope very shortly to be in a position to do the same, subject possibly to minor amendments. We have accordingly been asked by the Foreign Office to enquire when the U.S. Government will be in a position to ratify, and in doing so to stress to you the importance which H.M.G. attach to clearing up this question, since it has now been awaiting a final settlement for several months. I should accordingly be most grateful if you would kindly let me know what the position is.

We have also been asked to take up with you one further point. As I think you know, British

/and

The Honourable
Dean Acheson,
Under Secretary of State of the United States,
Washington, D.C.

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Reference:- FO 371 / 61837

and French representatives have been discussing in Paris the question of emigrant trains wishing to enter the French Zone of Germany from the American and British Zones. As a result of these discussions, General Koenig has laid down the rule that the Displaced Persons Directorate of the French Zone will inform the Transport and Security Directorates of the timetable and composition of all authorized displaced person trains. Any other displaced persons trains will automatically be considered as clandestine immigrant trains and will either be turned back at the frontier or held up within the French Zone. General Rethouart is to be invited by the French authorities to enforce similar measures in the French Zone of Austria.

It was, however, pointed out to the British representatives at the discussions that it would be impossible for the French Zone Commander to house the immigrants and that the French authorities therefore required an assurance from the British authorities that they would take back into the British Zone trainloads which came illegally from that zone. The French representatives at these discussions said that a similar request had been made by them to the United States authorities.

The British authorities are prepared to receive back trainloads which may enter the French Zone illegally from the British Zone, and I have been instructed to express to you the earnest hope of F.M.G. that the U.S. Government will also accept the arrangement proposed by the French, in so far as illegal trainloads which may come from the U.S. Zone are concerned. This would serve as a valuable safeguard to the general agreement which we hope to

/see

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Reference:-

FO 371 / 61807

see put into force. It would be most kind if you would let me know as soon as possible whether the United States Government would be prepared to meet the wishes of the French Government on this point.

J. Balfour

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220

E

1947

PALESTINE

E 3991

14 MAY 18

Registry Number } E 3991/48/31.

TELEGRAM FROM

No. Tel 'Molm,
Dated Budapest
Received in Registry } 5-64
13 May 1947
14 -Illegal Immigration, Roumania.Ref Reichstag til 442 (E 3984/48/31)
State has ascertained that information in
Par. 1. is substantially correct. Report
by day.

Last Paper.

3979

References.

(Minutes.)

Copy Co.
M.M. }
Cat off. } usual names

(Print.)

W. Remm
Intr. Policy Dept.
(with file)

B.S. Beink

June 12

I have extracted some of the material, to
add to what we have already, but it is now
a bit dated. W. Remm 17/6

20/6

8. digram C.V
T.A. Robertson M/11
Crossed out off
✓ June 13

(Action completed.)

(Index.)

F.O.P. 20/6
9/9/48

Next Paper.

E 3996

32008 F.O.P.

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EN CLAIR

E 3901
DEPARTMENTAL NO.2.

19

FROM BUDAPEST TO FOREIGN OFFICE

Mr. Helm D. 10.37 a.m. 13th May, 1947.

No. 564 R. 2 .30 p.m. 13th May, 1947.

13th May, 1947.

Repeated to Bucharest,
British Middle East Office Cairo,
and Jerusalem.

B. B. B. B.

E 371/48/II

Bucharest telegram No. 442 to you: Jews.

I have ascertained that information in
paragraph 1 is substantially correct. Report
by bag.

2. Foreign Office please pass to British
Middle East Office, Cairo, and Jerusalem as my
telegrams Nos 1 respectively.

[Repeated to British Middle East Office
Cairo and copies sent to Telegraph section
Colonial Office for repetition to Jerusalem.]

14 MAY 1947
A K I II III IV V VI VII VIII IX X XI XII XII

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Reference:-

FO 371/61807

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do white
Wardell } Admty
Sodds }

D.M.O. W.O.

Robertson M.I.S.
Skeat M.I.S.

Weston } My of
Wood } transport

Gerry
Alfield } Room 17

Maurie } Oak
Cawood } off.

May 15

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22

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Cypher/OTP

E 3996

CABINET DISTRIBUTION

FROM PARIS TO ROME 14 MAY

Mr. Duff Cooper
No. 68 D. 12.40 p.m. May 13th, 1947.
May 13th, 1947. R. 6.10 p.m. May 13th, 1947.

Repeated to FOREIGN OFFICE No. 394

sssss

IMPORTANT

SECRET

E 2940/48/II.

Please pass following Important to Rome.

My telegram No. 392 to Foreign Office.

Illegal Jewish immigration.

It is important that Italian Government
should not be informed that French Government are
contemplating submission to us of nominal rolls
(paragraph 8) and application of administrative
delays (paragraph 9). There would of course be
no objection to your suggesting that Italian
Government should take similar measures.

[Repeated to Rome]



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222

E

E. 4020

23

1947

PALESTINE

Registry
Number } E 4020/48/31

FROM } F.O. Minute.

No.

"Forwarded.

Dated

Received
in Registry } 13 May 1947.

Illegal Immigration
 Discusses suggestion re consulting Sir A.
 Cadogan on possibility and desirability of
 submitting draft recommendation to special
 Assembly calling on U.N. to take all possible
 steps to check Illegal Immigration while
 question of Palestine in half-judice.

Last Paper.

3996

(Minutes.)

J.B. May 28

References.

(Print.)

(How disposed of.)

(Action
completed.)

(Index.)

G.C. 10/6

[Signature]

Next Paper.

4022

32003 F.O.P

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Reference:-

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FO 371 / 61807

Nothing to be Written in this Margin.

Minutes.

E 4020

24

15 MAY

Mr. Butler has suggested that we might consult Sir A. Cadogan on the possibility and desirability of submitting a draft recommendation to the Special Assembly calling on the United Nations to take all possible steps to check illegal immigration while the question of Palestine is sub judice.

I attach the relevant ~~copy~~. We have already arranged for the Secretary-General of the United Nations to issue a communication to all member states appealing to them to take the strictest precautions to prevent the transit through their territory and the departure from their ports of Jews attempting to enter Palestine illegally (see E 1677). The U.S. Government have already reacted rather unfavourably to this proposal (E 3331 and E 3369) and to meet a part of the objections (the possibility that our request might lead to an ~~unproductive~~ discussion in the Assembly on this question of substance) we have arranged that the Secretary-General should only make his communication to the member states when the Special Session of the Assembly has come to an end.

The submission of a draft recommendation on the subject to the Special Assembly might well provoke the discussion which we have agreed with the U.S. Govt. that it would be desirable to avoid. It is possible, however, that Sir A. Cadogan may feel that, as things now stand, and given the progress that has been made so far in the Assembly, there might be advantage in submitting a draft recommendation.

I submit a draft telegram herewith, ~~to which~~
I have added a para. in the light of news tel: no: 1083,
para 4(c).

Jarman

13th May, 1947.

M.B.
13/v

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Reference:- FO 371 / 61807

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25

Cypher/SPY

DIPLOMATIC (SECRET)

FROM HOME TO THE OFFICE

Sir H. Charles, D. 10.12 p.m. 12th May, 1947.
No. 1085
12th May, 1947. D. 2.50 a.m. 13th May, 1947.

Reported to Washington,
Paris.

LAWRENCE
102 36001

My immediately preceding telegram.

Jewish illegal immigration.

This meeting has gained us at least a short respite, but has confirmed the difficulty of using Italian machinery to put an end to this traffic. We are up against the plain fact that under the law of Italy as it stands (not to speak of complications introduced by the privileged position given to members of the United Nations by the Armistice and Peace Treaty) the Italian Government cannot and apparently will not arrest these ships as a preventive measure and on suspicion, however well-founded. The embassy's position in the argument is not made easier by the fact that our ally France has allowed open embarkation from her territory of thousands of Jews and free departure of foreign ships including the President Warfield, furthermore, the Italians are inclined to discount our threat, since they have been used to being ordered about on a joint Anglo-American basis which is to say the least, not apparent in this case.

2. Another Italian question which we find difficult to answer is supposing the ship is held up indefinitely on some pretext or other, how do we contemplate that the matter will end? Although the issue is a secondary one, the Italians are nervous at the idea of detaining in their ports on various pretexts an increasing number of ships with a mounting bill for demurrage. They fear having their actions questioned before the United Nations or the International Court.

5. We will continue to do our best to have the ship held in port on technical grounds. I will see whether, by a further personal appeal to Count Sforza, I can not persuade the Italian Government to take a chance by holding up the ship by police action even if technically extra-legal (unfortunately the Italian Ministers are preoccupied with the Government re-shuffle).

Please /

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- 2 -

26

Please instruct me urgently regarding the Italian suggestion (b) (repeat (b)) in paragraph 5 of my telegram under reference.

4. It would, I believe, go a long way towards strengthening the hand of the Italian Government if His Majesty's Government could take urgently the following steps.

(a) Give the Italian Government a formal premise of their support both politically and financially in the event of Italy becoming involved in international dispute as a result of action taken against suspect ships.

(b) Persuade the United States Government to declare or at least intimate to the Italian Government that they were opposed to Jewish immigration by illegal means and in particular by this ship racket.

(c) Persuade the General Assembly of the United Nations to pass as an urgent matter at its current session on Palestine a resolution condemning illegal immigration and calling on Governments to take all necessary steps within their jurisdiction to prevent it.

(d) Take measures such as those indicated in my telegram No. 1060. They would show the Italian authorities, who are inclined to think that we are heaping too much on to their shoulders that we are prepared to take drastic action (c.f. Altmark tactics).

Foreign Office please repeat to Washington and Paris as my telegrams Nos. 300 and 76 respectively, both important.

[Repeated Important to Washington and Paris]

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FO 371 / 61807

63405/48/31

OUTWARD TELEGRAM

27

Cypher/OTP.

DEPARTMENTAL NO.2.

FROM FOREIGN OFFICE TO NEW YORK

(To Permanent United Kingdom Representative
to the United Nations)

No. 1421.

D. 8.40 p.m. 13th May, 1947.
13th May, 1947.

Repeated to Washington No. 4757

IMMEDIATE.

CONFIDENTIAL.

Your telegram No. 1242 [of 23rd April: illegal immigration into Palestine].

We have been wondering whether, in place of a letter from the Secretary General to the individual United Nations, it would now be possible to go further and seek to secure an Assembly recommendation calling on all the United Nations to take all possible steps to stop illegal immigration while the question of Palestine is sub judice.

2. In justification of such a recommendation we could claim:

- (a) that immigration is the most contentious of all the issues involved
- (b) that it is essential to avoid all developments calculated to increase the difficulty of solving the Palestine problem.

3. You may however consider that the submission of a draft recommendation on these lines to the Special Session of the Assembly would be likely to lead to an acrimonious and unprofitable debate and that it would be better to stick to our original intention of a circular letter on the subject from the Secretary-General.

4. I have just received telegram from His Majesty's Ambassador Rome, urging that it would greatly strengthen hand of Italian Government in preventing or at least delaying departure of intended illegal immigrant vessels, and in particular President Warfield, if resolution could be passed in these terms.

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FO 371/61837

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E4022/48/31

E4028

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Reference:-

FO 371 / 61807

225

E

E 4050

28

1947

PALESTINE

15 MAY

Registry Number } E4050/48/31

TELEGRAM FROM

No. W.M. Olsson

Dated Bucharest

Received in Registry } 1497.

14, May 1947
15 -

Allied Occupation, Romania.
 Report Bucharest-Teh 442 + 443 (E 7584/48/31)
 Romanian Press issued communiqué by Secc.
 Democratic front, denouncing criminal action
 of certain factors, who had encouraged
 "anarchic and clandestine operations"
 of Jews from Romania.

Last Paper.

4028

References.

(Print.)

(How disposed of.)
 S. Sec. J. Lloyd.
 Trafford Smith P.O.
 Chapman.
 Hastings
 Rank & S.H.D.
 Le Maitre
 Dodds
 Adams
 Russell P.T.O.

(Action completed.)

P.O. 30/ 79/8/47

(Index)

Next Paper.

4032

No. 12
 Southern Dept by 24th (Minutes.)
 N.A. D.C.P. P. 28/5
 10/5

Dobson
 (C.T.E.-CABLE)

This is an interesting development
 and the first para. & the first part of second
 para. seem to me to provide excellent
 publicity material drawing attention to the
 racket and the fact that the American band
 dir's = ~~etc~~ are mixed up in it.
 Eng = Policy D.C.P have been asked to
 spread it.
 News dict may also be able to help.

R.G.
 ✓ 10/5

We are passing this story on to the British Press
 and especially to the B.B.C.

S2008 F.O.P.

Miss Langdon
 19/5
 R.G. 9/5 h.c. in 11/5

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Reference:- FO 371 / 61807

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D.M.O W.O.

Robertson? NCC
Schein } NCC

Weston? My
Wood } Transport

Farrow
Oldfield? Room 17.

Murphy? Cad 2/F.
Covered }
May 16

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E 4050

30

CYPHER/OTP

15 MAY DEPARTMENTAL NO. 2.

FROM BUCHAREST TO FOREIGN OFFICE

Mr. Holman.
No. 497.

14th May, 1947.

D: 6.20 p.m. 14th May, 1947.

R: 9.25 p.m. 14th May, 1947.

Repeated to: Jerusalem,
B.M.E.O. Cairo,
Budapest,
Paris.

@@@ @@@ @@@

IMPORTANT

SECRET

My telegrams Nos. 442 and 443. P.C.D. [unclear]

Jewish Illegal Immigration.

The Roumanian press to-day carries a communiqué issued by the Jewish Democratic Front which embodies all Jewish associations supporting the Government. This communiqué denounces criminal action of certain factions, who will soon be identified and who have encouraged the "anarchic and clandestine emigration" of Jews from Roumania.

2. It states that families have sold all their worldly possessions to leave, only to find they are penniless and abandoned in neighbouring countries. It concludes by warning Jews that American Joint Distribution Committee in Hungary will not assist new arrivals and advises those Jews who wish to go to Palestine to approach the "competent organisations" who will organise their departure according to the laws of the country.

3. This statement fully confirms the rift in Roumania in the Jewish community between Revisionists and the remainder but it is also a very interesting indication of a complete reversal of policy towards illegal Jewish immigration from Roumania on the part of the Communist party here. Mr. Klarman, fanatical leader of Revisionists in Roumania, was called to Presidency of the Council recently upon his return from New York and Paris and warned that "uncontrolled passage of Jews out of Roumania must cease." It is all the more surprising as the warning was given by Mr. [grp.undec.]nras who, until now, has himself organised and assisted this illegal traffic.

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- 2 -

4. Efforts are now being made by Reumanian branch of American Joint Distribution Committee to send back to their homes many of the Jews from Reumania who are in camps in Eastern Hungary and Western Reumania.

5. A usually reliable source informs me that the difficulty experienced in obtaining ships from France and Italy is responsible for this change of front and that the presence of thousands of Jews, without travel documents or means of existence in Hungary, Austria, and Italy, creates economic and security problems of such dimensions that the Governments of these countries are unwilling further to tolerate this traffic.

Foreign Office repeat to Jerusalem, British Middle East Office Cairo, Budapest and Paris as my telegrams Nos. 23, 9, 71 and 6 respectively.

[Repeated to B.M.E.O. Cairo, Budapest, and Paris.]

[Copies sent to Telegraph Section, Colonial Office for repetition to Jerusalem.]

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FO 371 / 61807

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E

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U242

PALESTINE

E 4052

15 MAY

Registry Number E4052/48/31
 FROM H.H.C.
 No. Prestige
 Dated 1/10/48
 Received in Registry GEN 446/164
 9 May 1947

Illegal Immigration
 Borrower's position with regard to aliens refused leave to land in the country.
 i.e. Master of ship etc can be called upon within two months to remove same from U.K. to the country of which he is a national.

Last Paper.
4050

References.
3140/48/11

(Print.)

(How disposed of.)

(Minutes.)

The Cabinet may decide, where clear evidence of origin is available, to return parties of illegal immigrants whence they came. I don't think the H.M. letter gives a clear legal basis but it is apparently the best we can do.

Mr Evans (Legal Adviser) B.M.S. 5pm
May 17
J.B. May 28

(Action completed.)	(Index)
19/4/50/r	19/4/50/s

Next Paper.

E4056

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Reference:- FO 371/61807

telegrams ; ALIDEP, LONDON,
Telephone : CENtral 5272

Please quote the reference:-

GEN 446/1/64

Your reference:-

E. 3140/48/31

E 4052

HOME OFFICE,

(ALIENS DEPARTMENT.)

10, Old Bailey,
London, E.C.4.

enter soon

33

9th May, 1947.

15 MAY

Dear Beith,

I am sorry to find on my return from the meeting this morning that my request yesterday that a reply should be sent by hand to you about the disposal of aliens refused leave to land in this country, has only led to the file being submitted to me.

In very hasty language the position is that when leave to land in the United Kingdom is refused to an alien or when an alien who, not having been granted leave to land, is found on shore in the United Kingdom, the master of the ship (which includes aircraft) in which he arrived, or if necessary, the owner or agents of that ship, can be called upon within two months of the alien's arrival to remove the alien from the United Kingdom to the country of which he is a national or from which he embarked for the United Kingdom or where (if a seaman) he was engaged. I do not remember any case in which a foreign Government has refused to receive back an individual who has been sent straight back to the country from which he came, though there have been instances of shuttlecock when there has been any delay before the return passage and the foreign Government has tried to claim that the alien was admitted to the United Kingdom for a short time and that his subsequent departure is by way of deportation, so that the proper destination is the country of nationality and not the country from which he travelled to the United Kingdom.

/Conversely

J.G.S. Beith, Esq.,
Foreign Office,
S.W.1.

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Conversely, our Immigration Officers would not refuse admission, subject no doubt to conditions, to a foreigner who could establish, either by his own documents or through the evidence of the master of the ship, that he had embarked in this country and returned direct on being refused admission to the country of intended destination. So far as I know there is no international agreement to receive back foreigners in such circumstances, but we do it in the name of international comity and expect other countries to do it in the same spirit. Where we have proof of embarkation in a particular foreign country (which, of course, is easy in dealing with normal passenger traffic and even cargo steamers, which keep reliable logbooks) we do not take the wishes of the foreign State into consideration at all - if we do not want the individual here, back he goes at our wish.

All this applies to aliens rejected at a port or very recently arrived. If a foreigner has been here for any length of time, he cannot be regarded as trying to transfer himself from some other country, but has to be treated as being fairly on our plate. In these circumstances he can only be removed by deportation and we cannot enforce a Deportation Order until we are satisfied that the man will be received into some other country which is of course, as a rule, the country of his nationality, because that country alone can be compelled to accept one of its nationals, though here again, I believe that this is less a matter of international law than of international comity; but anyhow, in converse circumstances we firmly decline to admit to the United Kingdom as a deportee from any other country any person

/whose

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whose British nationality has not been proved to our satisfaction.

I apologise for inflicting these rambling observations on you, but you are waiting for information, and I have no time to concoct a polished essay.

So far as I can remember, without verifying my references or reading through quantities of improbable legislation, the only relevant provisions of our law in peacetime were Article 3(5) of the Aliens Order as amended in 1923 and 1925, and paragraph (ii) of Article 4, which was revoked on the outbreak of war and has not yet been reinstated, *much we still act on its principles without being bound by*.

Yours sincerely,

H H Prestige.

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1947

PALESTINE

E 4096

16 MAY

Registry Number E 4096/48/31.
 FROM G. E. Willard.
 No. Paris
 Dated to Mr. Beith.
 Received in Registry 8, Feb 1947
 16 May

Illegal Immigration
 Enclosed copy of letter raised on by
 Lt General. It was left behind by group
 of Jews who were loaded on to a train
 for Austria by Americans turned back by
 French and subsequently interned in camp
 in French Zone of Germany.

Last Paper.

(Minutes.)

4096

JD, May 17

References.

(Print.)

(How disposed of.)
 aft G. E. Willard
 Paris
 19 Feb
 aft Lewis Jones
 U.S. Emb.
 Feb 13.

(Action completed.)

FEB 13/68

(Index.)

MAY 18

Next Paper.

4098

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Reference:-

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E 4096

37

British Embassy,
Paris

16 MAY 8th February 1947.

My dear John.

You may be amused to see the enclosed letter, passed on to me by the French. It was left behind by the group of Jews who were loaded on to a train for Austria by the Americans, turned back at the French frontier by the French and subsequently interned in a camp in the French zone of Germany. They absconded in the night to continue their journey to Palestine via the American Zone.

In ever
G. E. Millard

G.E. Millard.

J.G.S. Beith, Esq.,
Eastern Department,
Foreign Office,
LONDON, S.W.1.

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OUT FILE

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FOREIGN OFFICE, S.W. 1.,
13th February, 1947.

As I promised, I enclose an extract from a letter written by the leaders of a party of Jews to their hosts at a camp in the French Zone of Germany. These Jews had been loaded on to a train for Austria by the American authorities, turned back at the French frontier by the French authorities and subsequently interned in a camp in the French Zone of Germany. They absconded in the night to continue their unauthorised journey to Palestine via the American Zone and left this note when they departed.

(J.G.S. Beith)

Mr. Lewis Jones,
United States Embassy.

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39

Niederlshnstein, le 10 Janvier 1947.

Messieurs

Jean TRUCHET et
Jules CASTIER

Il y a des situations dans lesquelles il est mieux de ne pas mettre le point sur l'i. A de telles situations appartient notre discret départ qui ne dépend pas de notre libre volonté. Comme explication de ce fait permettez de vous dire, Messieurs, que notre but est de rejoindre la Palestine et dans la situation c'est plutôt par la Zone Américaine que nous y arriverons.

C'est justement la cause pour laquelle nous devons prendre congé de vous en vous écrivant ces mots.

Veuillez agréer, Messieurs, l'assurance de notre meilleure impression que nous emportons de notre séjour au camp.

Votre protection bienveillante, vos soins, l'accueil humain nous ont agréablement touché et resterons longtemps dans notre mémoire reconnaissante. Nous avions tant souffert, que nous étions bien sensibles à ce point de vue. Nous n'oublierons jamais votre aimable hospitalité.

Nous vous demandons en même temps pardon pour tous les soucis causés et nous vous remercions de tout notre cœur pour tout ce que vous avez fait pour nous.

Comité Juif :

Signé - B. Perlmutter, E. Jaczkowski.

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OUT FILE

Entd 40

FOREIGN OFFICE, S.W. 1.,

13th February, 1947.

Many thanks for your letter of February 8th, enclosing a copy of the letter left behind by the group of Jews interned in the French Zone of Germany.

I am passing an extract on to our opposite number in the American Embassy here. He tells me that he wants to send it to Washington.

(Signed) J.C.S. BEITH

G.E. Millard, Esq.
British Embassy,
Paris.

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Reference:-

FO 371 / 31877

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E

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1247

PALESTINE

E 4098

16 MAY

Registry
Number } E 4098/48/31

FROM

Cabinet
Office

No.

Dated

Received

in Registry

Baronet.
8 May 1947
16

Allied Immigration
 Copy of minute by N.S. Murray dated
 May 8. asking Foreign Secy of Sc with
 regard to A.O.C meeting, to consider points
 in Allied Immigration on Tuesday 13
 May.

Last Paper.

(Minutes.)

4096

References.

(Print.)

(How disposed of.)

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(Action
completed.)

(Index.)

SMB/2/

MAY/47

Next Paper.

4099

FOREIGN SECRETARY

E 4098

(6 MAY)

Illegal Immigration into Palestine

1. Would you agree to hold a meeting of Ministers under your chairmanship on Tuesday afternoon, say at 4 p.m., to consider:-

- (i) a progress report by the Official Committee on the work they have done this week (They have already had two meetings and are meeting again tomorrow);
- (ii) a memorandum on the question whether illegal immigrants can be diverted to any other part of the Commonwealth than Cyprus; and
- (iii) a memorandum by the Secretary of State for the Colonies about the allocation of the monthly quota of permitted immigrants into Palestine.

2. The Ministers who attended the meeting which you held on 2nd May (GEN. 180/1st Meeting) were:-

Minister of Defence
Secretary of State for the Colonies
First Lord of the Admiralty
Minister of Transport

I suggest that this same group should be invited, together with the Secretary of State for War. You may also wish to have the Chancellor of the Duchy of Lancaster there because the memorandum about the immigration quota raises questions about displaced persons in the British Zone of Germany.

J. Agar-WW
N. S. Morris
M. Reddaway *shown MR.*
and P. L. H. T. to see,
and then return to P. S.

8th May, 1947.

Mr. Morris informed.

P.S.

9/5.

Referred to Mr. Morris.

Mr. Garvan and Cable to Mr. Reek. Can you please attend & see that the requisite papers & briefs are supplied by Monday evening? P.S. 9/5 A

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Reference:-

FO 371 / 51817

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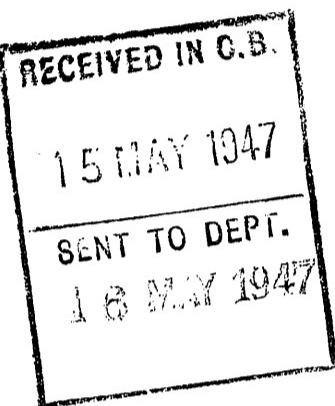
A brief for tomorrow's meeting is
submitted herewith.

Please

See also addendum
to the brief.

unnoted
12/5
MB
12/5

08 August 1942



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Secretary of State

44

W.M. 5/10

Brief for the Ministerial Committee to be held on May 13th under the Chairmanship of the Secretary of State to consider Jewish illegal immigration and in particular the progress of the Interdepartmental Committee recently set up to deal with this problem.

The agenda for this meeting is attached.

Play A
The progress report (item (1)) gives the result of joint action taken by the Foreign Office with other Departments represented on the Official Committee. Attached to it as an appendix are the agreed views of the Official Committee on the line which we should take with the French authorities in the discussions on the control of Jewish illegal immigration to be held on May 12th. H.M. Minister at Paris, assisted by representatives of the Foreign Office, Colonial Office and the intelligence authorities, will conduct these negotiations.

Play B
The second document (accommodation for illegal immigrants) has been prepared in consultation with the Foreign Office. It is a subject which only affects us in respect of the local political repercussions likely to arise if the following suggestions were to be adopted for securing alternative accommodation when Cyprus is filled:-

- (a) that we should borrow a Greek or Italian island for this purpose;
- (b) that we should set up camps in Libya or Cyrenaica.

The disadvantages of these two suggestions have been fully stated in the paper to be submitted to Ministers and there seems to be little risk of their adoption. It is clear from the views expressed by the Foreign Office departments concerned that we should see serious objection to the internment of Jewish illegal immigrants in these places.

We have only just seen a copy of the memorandum which the Colonial Office have prepared about immigration policy (item (3)). The Colonial Office are pressing for the continuation of the present procedure by which half of the legal quota (750 out of 1,500) is devoted to illegal immigrants in the Cyprus camps.

The Foreign Office view on this point, as given by the Minister of State in his paper D.O. (47) 41 of May 2nd, Section VII, is briefly as follows. On August 12th, 1946, H.M. Government announced that illegal immigrants would thenceforth be put into camps in Cyprus. Until that time these people had been interned in Athlit Camp in Palestine and released at the rate of 1,500 a month, thereby swamping the legal quota. The new decision of H.M. Government of August 12th was designed as a deterrent to the growing traffic in illegal immigration, but some months after the Cyprus camps

were/

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were set up it was found necessary to adopt the present policy of allowing 750 illegal immigrants to enter Palestine monthly from the island.

While we fully recognise the considerations of expediency which impelled H.M. Government to modify their previous decision in this way, we question whether we shall ever make headway against the illegal immigrant traffic if we are prepared to condone it in this manner. Cyprus has an estimated capacity of 30,000 at present and the Ministerial Committee may be invited under item (1) to consider extending this capacity further. At present approximately 15,000 illegal immigrants are interned in Cyprus, i.e. half the capacity is still available.

It is suggested that the only way to persuade the organisers of the illegal immigrant traffic, the individual Jewish immigrants themselves and the foreign Governments through whose countries the traffic passes that we are seriously determined to stop the traffic is to refuse entry into Palestine indefinitely to illegal immigrants. We should state as our policy that we propose, at least until the United Nations have made a recommendation on the Palestine problem, to see the quota filled by those Jewish refugees who have spent, say, at least six months in the same camp in Europe. At present we are discriminating against those Jews who await their turn in the queue in favour of those who try to jump it and our policy of shepherding illegal immigrants into Palestine from Cyprus greatly weakens our representations to European Governments to stop this traffic.

I might add that the Foreign Office representative at the Interdepartmental Committee was strongly supported by the representatives of the Admiralty and the War Office in expressing the above views.

As regards paragraphs 8, 9 and 10 (c) of the Colonial Office paper on immigration, which deal with the allocation of the quota for Palestine in the Zones of Germany, the position is as follows. The French Government have asked us to assure them, amongst other things, that in return for increased co-operation by them in the control of illegal immigration, we shall distribute the legal quota of 200 to 300 available for Germany to the three Zones in proportion to the numbers of would-be emigrants to Palestine in each Zone. In view of our wish to secure French co-operation in checking the illegal immigration traffic, the Foreign Office and Colonial Office are agreed that this French suggestion might well be adopted and a telegram has been sent to Berlin asking for Sir Sholto Douglas' views. Nevertheless, the Control Commission have pointed out that this would constitute a departure from previous Ministerial policy in allocating the entire quota for Palestine to the British Zone and the suggestion is not likely to commend itself to the Commander-in-Chief. This matter will, I think, require further consideration by the Departments concerned.

M. B. Miller

10th May, 1947.

See also Addendum.

46

Addendum.

As regards the problem of Cyprus and illegal Jewish immigrants, a good deal of our purpose would, of course, be achieved, and at the same time the two principal difficulties enumerated by the Colonial Secretary (para. 3 (a) and (b)) would be met, if we could agree:-

(1) on the issue and widest distribution in quarters where these immigrants start their journeys, of a decision that new illegal immigrants reaching Cyprus from a given date onwards would on no account be received either there or in Palestine; and would be sent to whatever other destinations we might decide. (It could be put about privately that these unspecified destinations would be distant and unattractive); but

(2) that this decision should not be retro-active; i.e. should not apply to those taken to Cyprus before the given date - which would need to be an early one.

We might at the same time re-state in Parliament and through the United Nations the number of Jewish refugees that we have received here in recent years, and appeal to other member states to widen their immigration quotas.

W. Butcher
1075.

47

SECRETARY OF STATE.

I have seen a copy of the brief which has been prepared for the Defence Committee tomorrow afternoon on the Colonial Secretary's paper on illegal immigration. I am sure that we should press for reversal of the decision whereby half the monthly quota is given to illegal immigrants in Cyprus, though if necessary I would be prepared to support the suggested compromise whereby no certificates would be granted for new illegal immigrants reaching Cyprus after a given date.

I would also argue that we should extend the quota which was hitherto reserved for Jews in the British Zones of Germany and Austria to the American and French zones also. I think this might give us another card to use with the State Department in pressing them to take action against the Zionist Organisations of America, and it would also help forward the talks with the French about the use of German labour and Displaced Persons labour which are going on in Paris now, and which are also linked up with the measures which we are pressing the French Government to take to control illegal immigration through France.

Hector Wilson

12th May, 1947.

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Reference:-

FO 371 / 51807

48

FOREIGN SECRETARY

Meeting on Illegal Immigration into Palestine on
13th May, 1947, at 4 p.m.

1. The following have been invited to attend:-

Minister of Defence
Secretary of State for the Colonies
First Lord of the Admiralty
Secretary of State for War
Minister of Transport
Sir Thomas Lloyd

2. The first item for consideration is a Progress Report by the Official Committee (Gen.180/1). You might ask Sir Thomas Lloyd, the Permanent Under-Secretary of State for the Colonies, who is chairman of the Committee, whether he has anything to add to the Progress Report. The main points for discussion seem to be:-

- (a) Is our intelligence organisation devoting enough attention to the activities of those who are organising illegal immigration into Palestine?
- (b) Are we now exerting enough diplomatic pressure on all the countries in Europe from which illegal immigrants are moving?
- (c) Is the time ripe for a further approach to the United States Government? (I understand that the Foreign Office are assembling material about the collection of funds in the United States and the activities of the American Joint Distribution Committee which under the cloak of U.N.R.R.A. encourages illegal immigration.)
- (d) Do Ministers approve the proposals in paragraph 13 of Gen.180/1 for propaganda, including a whispering campaign?
- (e) Should a further attempt be made to persuade the Italian Government to accept in future the return of illegal immigrants known to have embarked from Italy?

3. The second item is the memorandum by the Illegal Immigration Committee (Gen.180/2) on the question of finding accommodation for illegal immigrants elsewhere than in Cyprus. Briefly, the Committee have reached the conclusion that, apart from the possibility of extending the holding centres in Palestine for persons from Cyprus awaiting release under the monthly quota, there is no practicable place for the detention of illegal immigrants outside Cyprus. They therefore recommend that a further approach should be made to the Governor of Cyprus with a view to extending the capacity of the Cyprus camps.

You will no doubt wish to ask the Secretary of State for the Colonies to speak on this question.

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4. The last item is the question of the allocation of the monthly quota of immigration certificates. The Minister of State, in Section VII of D.O.(47) 41, suggested that the present practice of allocating half the monthly quota (750 certificates) to the Cyprus camps should be discontinued. In D.O.(47) 42 the Secretary of State for the Colonies explains why he thinks that this suggestion is impracticable. He also asks the Committee to confirm the arrangements under which half of the balance of certificates are allotted to priority applicants registered with the Department of Migration in Jerusalem, and that an early decision should be taken by the Foreign Office about the distribution of the certificates available for displaced persons in Germany and Austria.

W. S. Music

12th May, 1947

I.P. Garran, Esq.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

With Mr. W.S. Murrie's compliments

~~SECRET~~

15th May, 1947. 50

put wri

Dear Lloyd,

I feel that I ought to supplement in one or two respects what I have recorded in the minutes of Tuesday's meeting of Ministers about Illegal Immigration (C.M. 180/2nd Meeting).

On paragraph (e), you will recall that the Foreign Secretary seemed to be taken with the idea of getting British observers on suspected ships in a clandestine way. My own feeling is that this would do no good, but perhaps the Official Committee should ascertain what the Intelligence experts think of the suggestion.

On paragraph (f), the Foreign Office will presumably assume responsibility for conveying to Sir Alexander Cadogan any of the contents of Appendix II to C.M. 180/1 that might be useful to him. As regards the question of getting friendly Jews to do some counter propaganda in displaced persons' camps, my impression was that both your Secretary of State and Dean were satisfied that we could not hope to get even the most moderate Jews to help in this and that the idea was dropped. I also thought that your Secretary of State saw great difficulties in the Foreign Secretary's suggestion that we might try to frighten the United States Government by pretending that the immigration of Jews into the United States was being organised from the United Kingdom. I have, therefore, not tied anyone down to doing anything on these last two points, but you may care to keep in mind that the Foreign Secretary may raise them again.

I am sending copies of this letter to Dean and Garran.

Yours sincerely,

(Ggd.) W. S. MURRIE.

Sir Thomas Lloyd, K.C.M.G.,
Colonial Office.

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Reference:-

FO 371 / 61807

231

1947

E

51

E 4104

(16 MAY)

PALESTINE

Registry
Number } E4104/48/31.

FROM R.F.A. Made

No. Casablanca

Dated 63 - 5/48

Received in Registry } 5 M/48

20, Apr 1948

16 May -

Illegal Immigration.
 Refer Previous letter of Apr 19 (E4104/48/31)
 re party of young Jews who left for U.S.S.R.
 States. A lot of Police called within country
 and said that they did in fact turn back
 the young Jews. Give further details.

Last Paper.

4099

References.

(Print.)

(How disposed of.)

8, 1st paper, P.D.
 Action - M.I.5
 ✓ June 2
 May

(Action completed.)

Index.

G.C. 6/6

O/A/48

Next Paper.

4105

32008 F.O.P

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Reference:-

FO 371/61807

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SECRET

63 - S/47
GM/dl

BRITISH CONSULATE

E 4104 CASABLANCA

Morocco.

16 MAY 30th April 1947.

Dear Department,

In my letter of April 19th I reported that some young Jews had left Casablanca for Algiers and who might be possible illegal immigrants into Palestine.

2. The Chief of Police called on me yesterday in this connexion and informed me that they did in fact turn back five young Jews on the date indicated by me. These Jews were going to an Agricultural College run by the Alliance Israélite at Algiers and although they had no proof that they would seek subsequently to enter Palestine illegally they had nevertheless decided to send them back to Casablanca. He assured me, however, that there was no reason to suspect any connexion between this departure and the activities of the Irgun Society.

3. The Chief of Police added that he had a special section enquiring into Jewish activites locally and, while there were a certain number of meetings, his informers had not reported any approval of terrorist methods or given any indication that any organised illegal immigration was anticipated. He mentioned that the day after the execution of Gruner a notice was chalked up stating that his death would be avenged. He did not attach much weight to this isolated manifestation and promised to keep this Consulate informed of any further indications he might have of Jewish activities in this territory. As he is invariably helpful and co-operative I am confident that he will keep his word.

4. I am sending a copy of this letter to Rabat and Algiers.

Yours ever,

Groffy Hurwitz

Western Department,
Foreign Office,
London, S.W.1.

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Reference:-

FO 371 / 61807

232

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S3

1947.

PALES. DE

E 4105

16 MAY

Registry Number } E4105/48/31
FROM Lord Beaverbrook
 No. Washington
 Dated 11/44
 Received in Registry } 51241 (4)
 9 May 1947
 16

Illegal Emigration American Publicity.
 A few days ago (E4536 of 7 May (E3535/48/31))
 enclosed brief note or news剪報 examples
 of publicity stories by American Journal
 writers to recent launch for illegal immigration
 together with other copies of documents.

Last Paper.
 4104 (2575)

(Minutes.)

(See E3535/48/31 and E4149/48/31)

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References.

The Secretary of State, at ~~last Tuesday~~ meetings of Ministers on the subject of Jewish illegal immigration, expressed the intention to take up with the American Ambassador in London the whole question of the subscription of funds in America for Jewish terrorism in Palestine and illegal immigration. In order to have the latest information on the subject, we instructed Washington to prepare an up-to-date brief, which is now enclosed within. The case is a strong one and the cuttings attached are quite shameless.

As the Secretary of State will be away, I understand, for a fortnight, it may be considered desirable for the Minister of State to communicate this brief personally to the American Ambassador in his absence. The brief will be prepared as a Foreign Office memorandum.

I understand that Sir Orme Sargent is seeing the American Ambassador early to-morrow morning and it may be that the latter will refer to our recent representations to the American Government about the scandalous statements of Mr. Ben Hecht. If so, it may be useful for Sir O. Sargent to have this paper to refer to in any discussion on this subject with the American Ambassador. Ben Hecht's statement about each act of Jewish terrorism in Palestine causing a "little holiday in his heart" was made since the Washington brief was prepared.

Mr Halford

MAY 1947

O. S. Benét

19th May, 1947.

(DEITT)

Mr. Halford
 19/5
 Mr. Benét
 19/5
 Mr. Carran
 19/5
 Mr. Butler
 19/5

PTO

(Action completed.)

(Index)

G. G. H.

appd

Next Paper.

(4149)

94

I now submit a draft letter from
Sri O. Sargent to the US.
Ambassador, communicating the
Washington brief and cuttings

H. S. Beirn
May 22
(BEITH)

M. Borth
27/r.

~~Refer~~ See Sri O. Sargent's minute
of Dec. 27th. No action at present.

28/r.

M.B.
28/r.

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Reference:-

FO 371 / 61807

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Reference:-

FO 371 / 81807

55

Mr Halford

Do we hear whether Sir O.
 Scaggs & Mr Douglas talk about
 illegal Irish immigration and our
 protests, on Mar 20th

M.B.

21/v

I think this is not
 quite over my
 talk with the
 Ambassador. Sir O.
 Scaggs record.

22/v

Sir O. Scaggs. E. 4510.

We asked our Embassy for this memo.
 for communication to Mr Douglas.

I attach a draft.

M. Butlin
27/v.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

H.P. [unclear] 56

When the AMERICAN AMBASSADOR came to see me today I begged him to urge his Government to reconsider the non concernus attitude which they had adopted as regards the advertisements appearing in the American press inciting to violence and murder in Palestine. I called his attention to the article in the New York Post of the 14th May which is quoted in Foreign Office telegram to Washington No.4927, and asked him what would be the feeling of the United States Government if, for instance, British Communists were to publish in the British press an advertisement to the effect that "every time you blow up an American arsenal or wreck an American gaol or send an American railroad train sky high British Communists make a little holiday in their hearts". Mr. Douglas said that the indignation of his Government would know no bounds and they would not be slow to show it.

Again I asked what would the United States Government do if American Communists were to publish an advertisement in the American press on the same lines, calling for attacks on American arsenals, gaols, trains, etc., Would the United States Government be powerless to prevent such gross abuse of the liberty of the press? Mr. Douglas did not answer this question, but assured me that he was disgusted at these incitements to violence and murder, and that he would at once telegraph to his Government to ask them to reconsider whether they could not take some action to stop this campaign. Perhaps an appeal might be made to the proprietors of the newspapers which were publishing these advertisements on the ground that they were devilling relations between the United States and Great Britain. I suggested that there was yet another reason for stopping these advertisements, namely, that they constituted such a gross abuse of the liberty of the press that it was in the interests of the press itself to prevent them.

(Sd.) ERNE SARGENT,

20th May 1947.

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Reference:-

FO 371 / 61837

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Registry
No. E.4105/48/31

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft:

American Ambassador

From:

Sir Orme Sargent.

Copy of note
"Appeals for Funds
by Certain Zionist
Organisations
and 1 copy of each
of attached
cuttings.

Mg

57
Hold - see minutes within

FOREIGN OFFICE, S. W. 1.

May, 1947.

You will recall that I spoke to you
on May 20th about the strong feeling created

here by advertisements appearing in the American press inciting to violence and

murder in Palestine. One aspect which strikes us as wholly indefensible is that the people who appeal for subscriptions for supporting Jewish illegal immigration to Palestine and terrorist activities there are able to claim that such subscriptions will be tax free on the grounds that they are devoted to charitable purposes. This is apparently in fact the case.

2. I enclose a memorandum prepared by our Embassy in Washington giving further particulars and annexing examples of some of the most recent and flagrant advertisements. The memorandum was drafted before, and therefore includes no reference to, the appearance in two New York papers on May ... of the advertisement by the American League for a Free Palestine carrying the particularly

NOTHING TO BE WRITTEN IN THIS MARGIN.

3149 Wt. 26469/137 100m 9/46 (51) F.&S.

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particularly obnoxious letter by Ben Hecht
of which I spoke to you.

3. We have on several occasions, instructed
our Embassy in Washington to make
representations to the State Department on
this subject, directed particularly to
securing that funds subscribed for purposes
that contravene the laws of Palestine and
that lead to murder should no longer be
treated as though they somehow served the
ends of charity. We have hitherto, I regret
to say, got no satisfaction, and the purpose
of this letter is to amplify what I said to
you the other day and to enlist your help.

NOTHING TO BE WRITTEN IN THIS MARGIN.

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Reference:- FO 371/21837

59

**BRITISH EMBASSY,
WASHINGTON 8, D. C.**

9th May 1947

9th May 1947

SECRET
No. 1144

Ref: G124/ /47

Sir,

As instructed in paragraph 2 of your telegram No. 4536 of 7th May, I have the honour to enclose herein a brief note on recent examples of publicity drives by American Zionist bodies to secure funds for the support of terrorism in, and illegal immigration into, Palestine, together with actual copies of advertisements inserted recently in the newspapers by the three principal organizations concerned.

2. Action on the first paragraph of your telegram under reference is being taken and I shall send you a separate report in due course.

I have the honour to be, with the highest respect,

Sir.

Your most obedient, humble Servant,

Worsham

The Right Honourable
Ernest Bevin, M.P.,
Foreign Office,
London, S.W.1.

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REFERENCE - 1
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APPEALS FOR FUNDS BY CERTAIN U.S.ZIONIST ORGANIZATIONS

Advertisements inserted by American Zionist bodies in various U.S. newspapers (chiefly the New York Post and P.M.), appealing for funds to assist terrorists in Palestine, have been appearing for many months.

The majority are sponsored by the American League for a Free Palestine under the chairmanship of ex-Senator Gillette. This body is closely allied to Peter Bergson's Hebrew Committee of National Liberation and has also sponsored an organization called the Palestine Resistance Committee, which comprised all the extreme Zionist groups in the United States. That has now been dissolved owing to internal dissensions and has been replaced by the Palestine Resistance Fund, the officials of which are all members of the American League for a Free Palestine. This body claims a membership of 130,000.

Next in order come the United Zionists-Revisionists of America, under the Presidency of Meir Grossman, and the Political Action Committee for Palestine, whose chairman is ex-Congressman Joseph Clark Baldwin.

The American League for a Free Palestine has just appealed for seven and a half million dollars. It is stated that 40% of this sum is intended to assist the transport of illegal immigrants to Palestine, 40% to provide medicines, relief and other legal aid to the "underground fighters", and 20% to assist in the establishment of a provisional Hebrew Government (one of the main aims of the Hebrew Committee of National Liberation, which is hostile to the Jewish Agency). The American

/League

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Reference:-

FO 371 / 61847

- 2 -

League for a Free Palestine is now concentrating on the provision of ships in the United States, which will sail empty from U.S. ports (with mainly Jewish crews) to some Mediterranean port, where they will pick up illegal immigrants and attempt to transport them to Palestine. One such ship (the "BEN HECHT") sailed some time ago and was intercepted off the Palestine coast, its crew subsequently being deported to the United States. Other ships are known or suspected to have sailed and there are reports that others again are being fitted out.

Contributions to this organization are stated in the advertisements to be tax exempt by a ruling of the Treasury Department, presumably on the ground that its objectives are charitable.

The aims of the United Zionists-Revisionists of America, as stated in recent advertisements, are less concrete, in that the appeal for funds requests support for a nation-wide campaign for the defence of the Palestine Resistance and for support of Jewish freedom and independence.

The Political Action Committee for Palestine has recently launched a scheme called "Exodus by Air", the aim of which is the provision of D.C.4 aircraft to land illegal immigrants in Palestine or to drop them into the country and the purchase of parachutes for the latter purpose.

All these organizations make scurrilous attacks

/upon

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Reference:-

FO 371 / 31837

upon H.M.G. in the U.K. Britain is compared with Hitler's Germany, frequent references are made to 1776 and the Irish troubles, and the terrorists are represented as patriots resisting British terror. The Political Action Committee for Palestine makes the extremely objectionable remark that "Britain has dipped the Crown in Jewish blood and polished it with Arab oil". Its aim of training young Jewish men and women in Europe clearly has little to do with the relief of those Jews who, because of their physical suffering and poor condition, have the greatest need to find a permanent home. The examples provided of a recent advertisement from each of these three organizations show clearly the kind of activities which are being promoted.

It is now eleven months since representations were first made to the State Department asking whether the objectives of the American League for a Free Palestine really entitled contributions to exemption from tax, and whether all these attempts to subvert the administration of a friendly power could be tolerated. In spite of repeated written and oral communications since representations were first made, no official reply has as yet been received.

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Reference:-

EO 371 / 41817

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IN FLUSHING THEY TALK

Britain Is Not Bound to Enforce U.N. Palestine Policy, Lords Hear

LONDON, April 23—The British Government's determination not to carry out any United Nations policy on Palestine of which it does not approve was put on record in a notable debate on Palestine in the House of Lords today.

All the bitterness that Britons feel toward the Palestinian terrorists and toward American Zionists who are financing unauthorized immigration was poured out in floods of indignation and distaste.

Viscount Hall, First Lord of the Admiralty, spoke for the Labor Government. Lord Hall used to be Colonial Secretary and as such had primary responsibility for Palestine.

It was Lord Lloyd who put Lord Hall on a spot by asking him an assurance "that the British Government had been critical of the United Nations."

approve and that we may, on giving notice, surrender our mandate in Palestine."

Speaking of the special session of the United Nations General Assembly, called for next Monday, Lord Hall said it was expected only to appoint a fact-finding committee to report to the General Assembly in September when the Government earnestly hopes some final solution of the Palestine problem will be arrived at.

He noted that the Government had been critical of the United Nations.

Nations.

Pause, prepare, postpone,
And end by letting well enough alone;

Earn the people's pay,
By doing nothing every day.
— Old English Election Jingle.

Fifty-five nations, represented at Flushing Meadows, are forced into a game of tragic futility.

The current United Nations session is a "heads I win, tails you lose" toss, in which the British can't lose and YOU and the other peoples of the world can't win. It is the old game in which money, time, and hope go down the drain, while the United Nations loses prestige and the Hebrew people start their third year in D. P. camps, hoping against hope that this monstrous crime will stir the conscience of the world and produce action.

IN PALESTINE THEY FIGHT

IN AMERICA WE MUST ACT — NOW!

While British diplomacy is wasting the United Nations Assembly, the chance for Hebrew victory increases in the field. The Resistance in Palestine, the D.P.'s in Europe, and the people of America — YOU — can make Victory. Statements by the President, editorials and protests, can be translated into reality by the Palestine Freedom Drive's \$7,500,000.

The Palestine Freedom Drive will turn your money into history.

REPATRIATION—Let's Get Them There!

While the diplomats talk, thousands of Hebrews in European camps are preparing their march to the sea — the beginning of the Second Exodus! With enough ships, they will batter the British blockade, thrusting at this illegal barrier until the gates are officially open.

Forty percent of the Palestine Freedom Drive's proceeds will finance this Exodus — \$250 to move a Hebrew from Europe to Palestine. Great Britain may be able to duck a U.N. decision, but she cannot stop the Hebrew nation in motion.

RESISTANCE—It's 1776 In Palestine!

The Hebrew fights today in Palestine. He stands battling for a spot on earth to call a home.

Forty percent of the Drive's proceeds go to medicines, relief, and other legal aid to the underground fighters. As long as FUTILE talk continues in the assemblies of the world, Resistance must continue in Palestine.

AMERICAN LEAGUE FOR A FREE PALESTINE, INC.

Guy M. Gillette, President

\$7,500,000 PALESTINE FREEDOM DRIVE

SPONSORS

Stella Adler
Hon. Thomas R. Amis
William Auerbach-Levy
Y. Ben-Ami
Konrad Bercovici
George Biddle
Edward Breen
Louis Bromfield
Quentin N. Burdick
Ruth Chatterton
Lois Collier
Harry Eller
Alexander Hadani-Rafaeli
Prof. Fowler Harper
Ben Hecht

Hon. Fred Hildebrandt
Nathan George Horwitt
Langston Hughes
Mayor Hubert Humphrey
Dr. Ray Freeman Jenny
Yasuo Kuniyoshi
Mary Lewis
James H. McGill
Hon. Howard McMurray
Jake More
Paul O'Dwyer
S. Perleman
Rabbi Baruch Robinowitz
Dr. Sheppard Remington
Will Rogers, Jr.
(And Others)

RECOGNITION—A Flag Is Born!

Not represented in the United Nations debate on Palestine is the Hebrew nation. This nation — first to fight Hitler, first in the number of casualties, seventh in the number of field soldiers battling the Axis (Jewish Brigade, partisan armies) — this nation has no recognition and no voice. The temporary spokesman for the Hebrew people, The Hebrew Committee of National Liberation, sits in the audience, while Arab chieftains representing feudal Kingdoms — for the most part "neutrals" in the war between the United Nations and the Axis — argue the fate of Palestine, whose people they in no way represent.

Twenty percent of the funds raised by the Drive will assist the Hebrews in establishing a provisional government through which they may speak in their own behalf — a right which we have freely accorded to enemies and to dubious Arab neutrals, but which is denied our staunchest ally.

DON'T PASS THE BUCK

If you care about world peace, if you want justice for the D.P.'s in Europe and an end to the crisis in Palestine, then back this practical program. Your money and your work in the Palestine Freedom Drive are the only reinforcements that can win.

Your dollars will be lifebelts on repatriation ships, penicillin for wounded Hebrew fighters, support for a newly formed democratic Hebrew government.

Join the Palestine Freedom Drive — give it your money and volunteer your time. The Hebrews are holding the citadel for freedom — they must not fight alone.

A CHANCE TO WIN

PALESTINE FREEDOM DRIVE

American League for a Free Palestine, Inc.
128 West 49th Street, New York 19, N. Y.

PM-16

Gentlemen:
I gladly subscribe the sum of \$ _____ to the Palestine Freedom Drive.
Also, I wish to volunteer my services in the Palestine Freedom Drive _____ (check)

NAME _____

ADDRESS _____

CITY _____ ZONE _____ STATE _____

Please make checks payable to MRS. LOUIS UNTERMEYER, Treasurer.
By a ruling of the Treasury Department contributions to this organization are tax exempt.

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Reference:-
FO 371
817

14 New York (Continued)

6:34 PM, WEDNESD

Four-Alarm Harlem Fire Makes 80 Persons Homeless



A four-alarm fire swept through two five-story Harlem tenements yesterday morning. By the time the fire was out three firemen and a 64-year-old blind woman were in Harlem Hospital suffering from smoke poisoning and 80 persons

were homeless. Tangled hose and fire ladders in front of 446 and 448 Lenox Ave. were almost hidden by dense clouds of smoke from the two buildings. Police said the fire started in an oil heater.

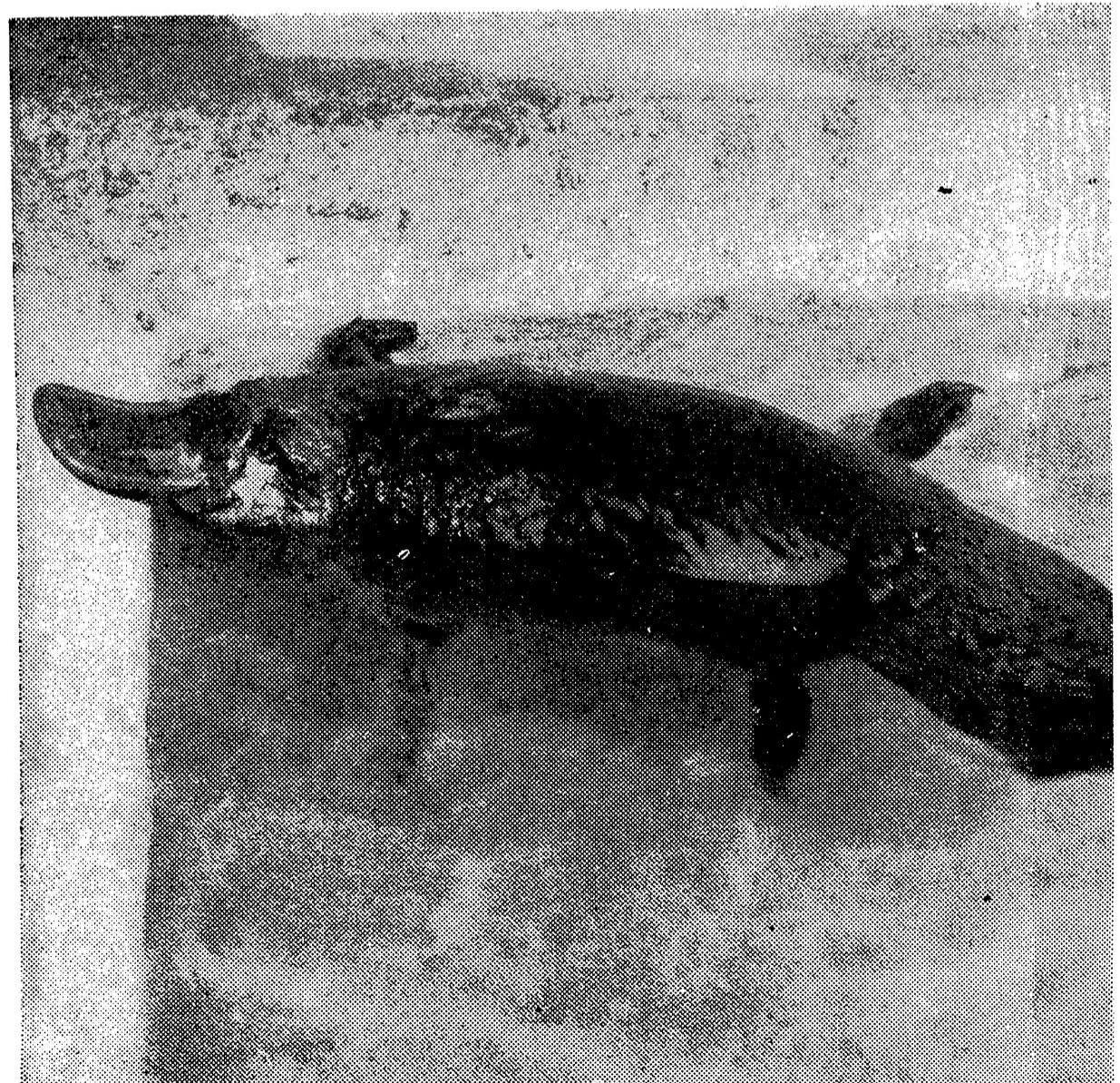
Photos by John De Biase, PM

Firemen
down
J. Qu

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Reference: FO 371 31817

Earthworm Fanciers Arrive



We can't say if this is Betty Hutton, Penelope, or Cecil, but anyway this is one of the three platypuses that reached the Bronx Zoo yesterday from Australia, full of vim and vinegar after gobbling down 10,000 Bronx worms flown to them at



Australian Ambassador Norman J. O. Makin welcomes his country's unique fauna to their brand-new platypusary at the zoo, where they'll be on public view for about an hour today at 3 p.m. If they aren't too fussy about crowds it may b

HANG
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V

Liberty Tak

Furtively, and to death by the British, and consolation of nals, was denied to cruelty and shame, their indomitable s the Jewish nation

The Jewish pe heads before their "heroes" has any m to remain an inspi

The Goal o

Their hanging which the British a deliberate and c Palestine. It intend struggle of the Jew in the Jewish hom Assembly a picture under the White

Gallows O

The surging r frustrate this Briti so long as the Whi mental terror in Pa a subdued resistance that will swell the forces. This growi illegalities in Palest Nations will soon c people, and its leg can be no peace an

A Policy o

While we can "cemetery peace" i forts to stir up str

HELP. U

HEL

The United

MEIR GROSSMAN
President

LEO

Chairman

55 W. 42

HANGINGS WON'T STOP JEWISH REVOLT!

Only Establishment of Jewish State Will Bring Peace to Palestine!

Liberty Takes Its Toll!

Furtively, and under cover of secrecy, four Jewish patriots were done to death by the British in the solitary prison court of Acre. Even the solace and consolation of religion, granted to the lowliest and hardened criminals, was denied to these fighters for Jewish freedom. But this final act of cruelty and shame, like earlier moral and physical tortures, did not break their indomitable spirit. The four doomed men went to the gallows with the Jewish national anthem on their lips.

The Jewish people and all those who believe in freedom bow their heads before their silent courage and their gallant sacrifice. If the word "heroes" has any meaning, then they are the heroes of the Jewish nation, to remain an inspiring symbol for us and our descendants—forever.

The Goal of British Terror

Their hanging climaxed the reign of brute force and blind terror which the British Mandatory has established in Palestine. It was part of a deliberate and calculated plan to intimidate the Jewish resistance in Palestine. It intended to strangle with the hangman's noose the valiant struggle of the Jewish underground forces against Britain's lawlessness in the Jewish homeland. *It was aimed to present to the United Nations Assembly a picture of a "pacified" Palestine as proof that that country—under the White Paper regime!—can be peacefully administered.*

Gallows Only Inspire Resistance

The surging revolutionary movement in Palestine is determined to frustrate this British design. There will be no *Pax Britannica* in Palestine so long as the White Paper remains in force. Britain's increased governmental terror in Palestine will have quite the opposite effect. Instead of a subdued resistance movement, there will be a mounting wave of anger that will swell the ranks of the national revolution with new patriotic forces. This growing, continued rebellion against Britain's oppression and illegalities in Palestine will finally open the eyes of the world. *The United Nations will soon come to realize that unless justice is done to the Jewish people, and its legitimate aspirations for statehood are respected, there can be no peace and no ease in the Holy Land.*

A Policy of "Divide and Rule"

While we can safely predict that Britain's attempt to establish a "cemetery peace" in Palestine will be defeated, we must warn of her efforts to stir up strife between various factions among Palestine Jewry.

Accustomed to the servility of the appeasers and collaborationists who controlled Zionist policies for a quarter of a century, Britain does not as yet fully realize that the day of the appeasers in Jewry is over and that an irresistible spirit of freedom is stirring the Jewish people throughout the world. *Britain therefore expects cooperation from some of the so-called "moderate" leaders who hold top positions in the World Zionist Organization in diametric opposition to the overwhelming sentiment of Jewish public opinion.*

A Warning to Appeasers

It is especially these people whom we warn today that every attempt to weaken the active Jewish resistance in Palestine by slandering it as "terrorism" and "gangsterism," or by inciting civil war between the Haganah and the Irgun, is as morally indefensible as it is politically suicidal. By striking at the "terrorists," Mr. Ben Gurion and Mr. Shertok, who belong to the old appeasement school, are just playing the British game. *They give the British a shadow of moral justification for their bloody terror against the fighting resistance forces—a terror which they now apply against the Irgun and the Stern group, and which tomorrow they will turn against the Haganah should it ever move a finger in the direction of real struggle.*

Unite to Fight

The British certainly relish the prospect of a fratricidal war between the resistance forces, and anxiously await the allegedly imminent attack of the Haganah against the Irgun, and for the Irgun's inevitable reaction. *Do not give this satisfaction to the British Machiavellis! Prevent Jewish civil war in Palestine! Call to order all those who preach war against Dov Gruner's comrades in arms! Give the fullest moral backing to the active resistance forces and demand unity of action—not of inaction!—among all sections of the Jewish resistance movement.*

If the Jewish people stands united behind the heroic fighters for liberty in Palestine, then there can be only one outcome to the Anglo-Jewish conflict. Repression and reprisals cannot end a national revolution. If the active resistance movement in Palestine will be backed by intensive large-scale support, then the English will be ultimately defeated in Palestine as they were in America, South Africa, Ireland and India.

Americans! The active resistance forces in Palestine look to you for encouragement and support. As citizens of this great and free land, you must not fail them. The spirit of Dov Gruner and his comrades cries out to the entire civilized world—**IT CRIES OUT ESPECIALLY TO THIS FREEDOM-LOVING NATION**—to come to the aid of the long-suffering Jewish people and to support the gallant patriots fighting heroically for the very life of their people and their country.

HELP US SPREAD THE MESSAGE OF JEWISH RESISTANCE TO BRITISH TYRANNY IN PALESTINE!

BE GENEROUS! SEND IN YOUR CONTRIBUTION!

HELP US BRING TO A SUCCESSFUL CONCLUSION THE BATTLE FOR JEWISH FREEDOM!

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I fully support your nationwide campaign for defense of the Palestine Resistance and in behalf of Jewish freedom and independence. I am glad to enclose my contribution in the amount of \$_____.

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ADDRESS _____

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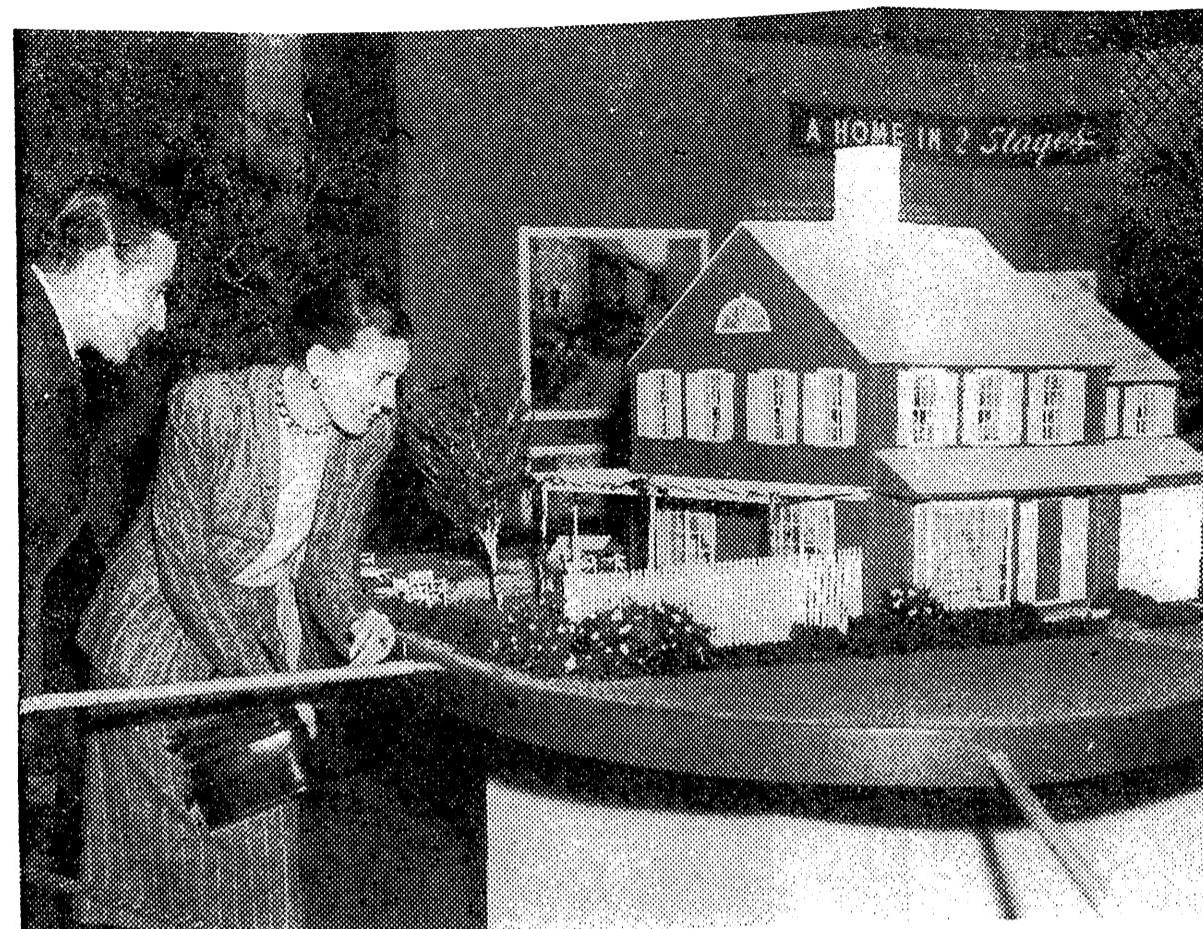
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homes at the

Here's a

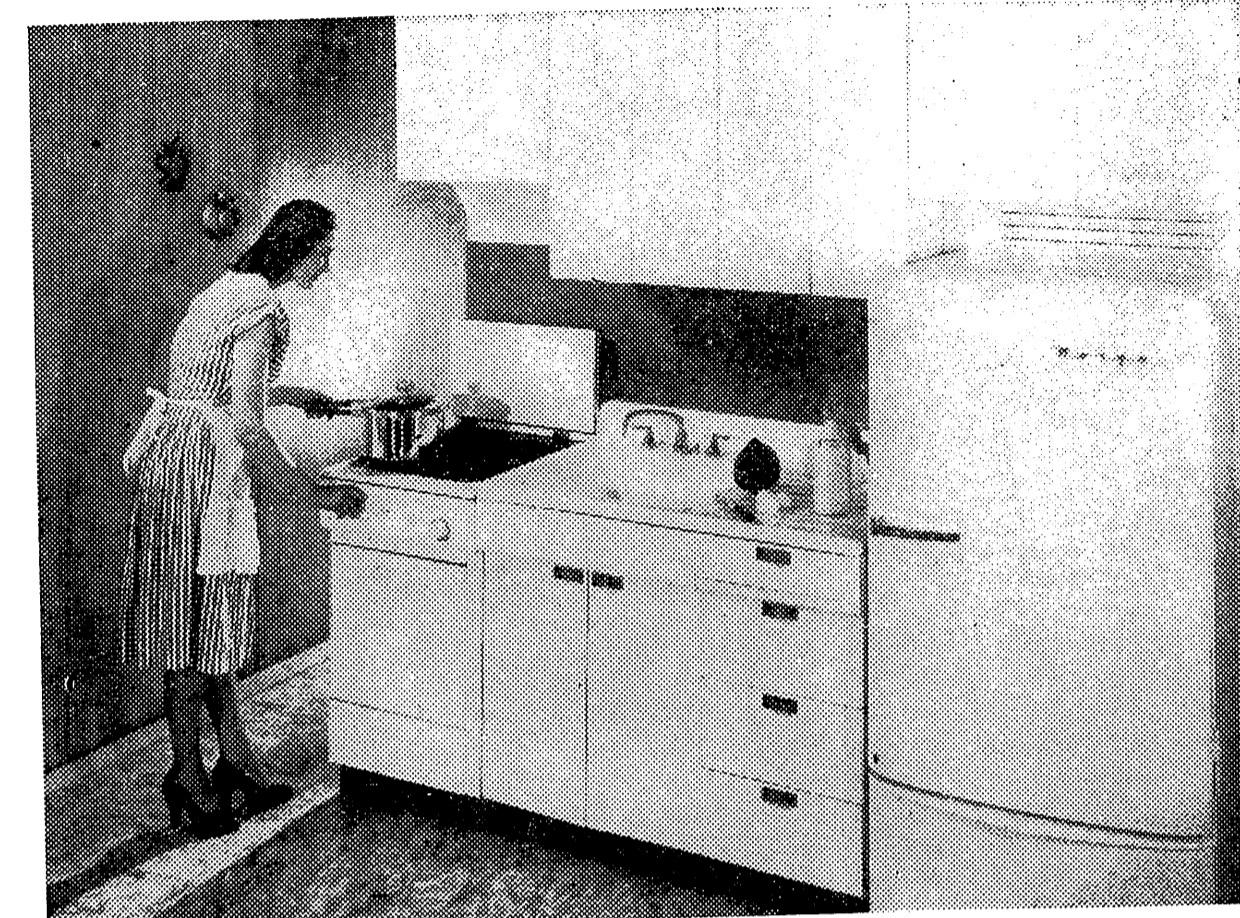
PM, WEDNESDAY, APRIL 23, 1947

NEW YORK

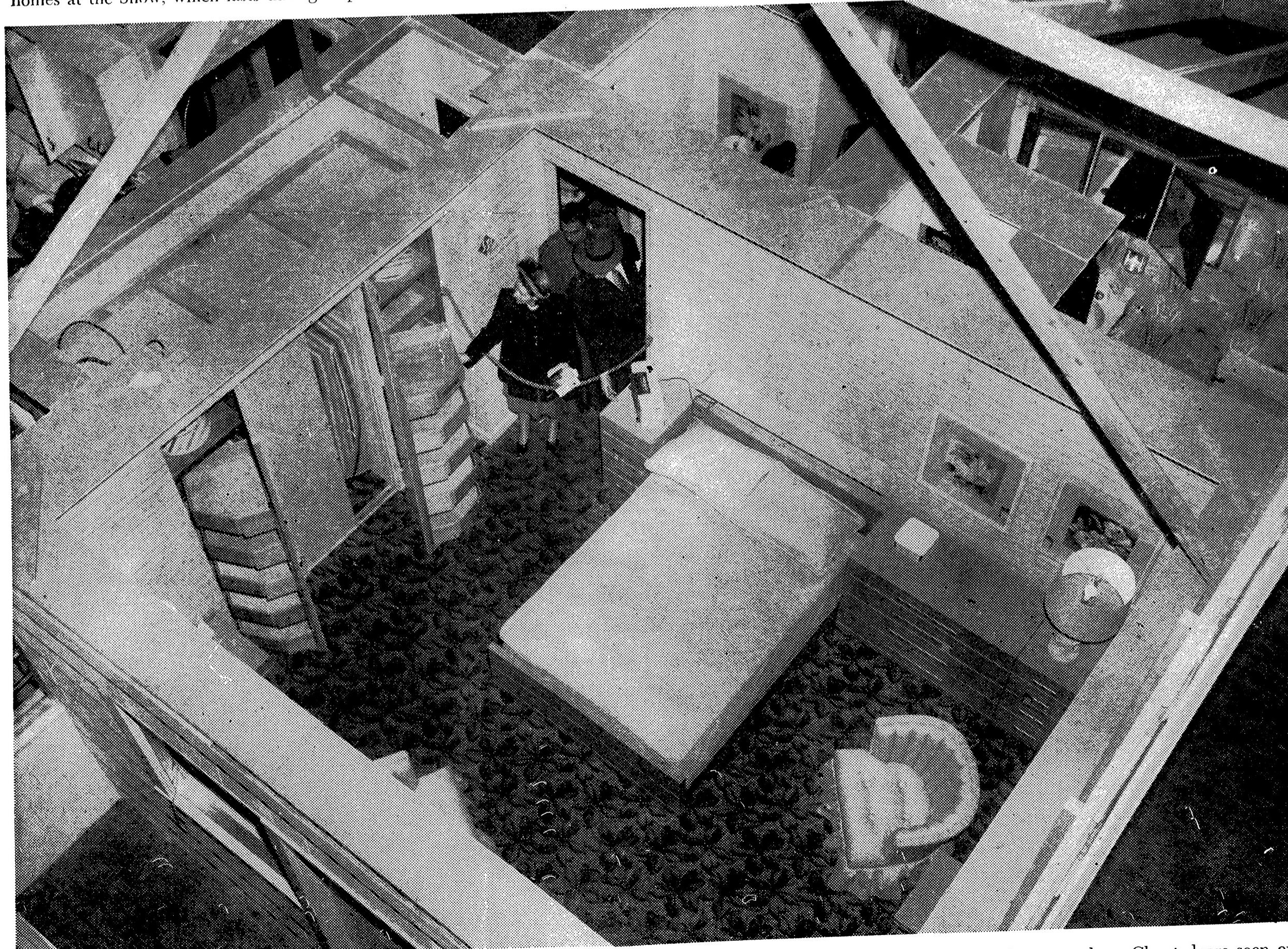
What Home Can Be Like—If You Find One



Prospective home-owners find helpful ideas and much to dream about at Metropolitan Home Show in Grand Central Palace. Here is one of 11 scale-model homes at the Show, which lasts through Apr. 26.



Prefab Ingersoll Utility Unit is complete kitchen, bathroom and heating plant assembly. Price is \$1500. PM's News for Living Dept. shopped the show for good ideas, considered this an outstanding trend.



Here's a view of one bedroom in a full-size one-story ranch-type house built

ing a house. Ludwig Baumann furnished it in modern. Closet doors seen open

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Hitler's allies have
Assembled into a
the reservoir of
Their hands, still
of the Jewish Pe

A conglome
paraphernalia re
suave British ha
manner the right

Perfidious A
it with Arab oil.

MARK SOLO
Originator and author of "Exc

POLITICA
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104 WEST 70th STREET

P.M., May 4th, 1947

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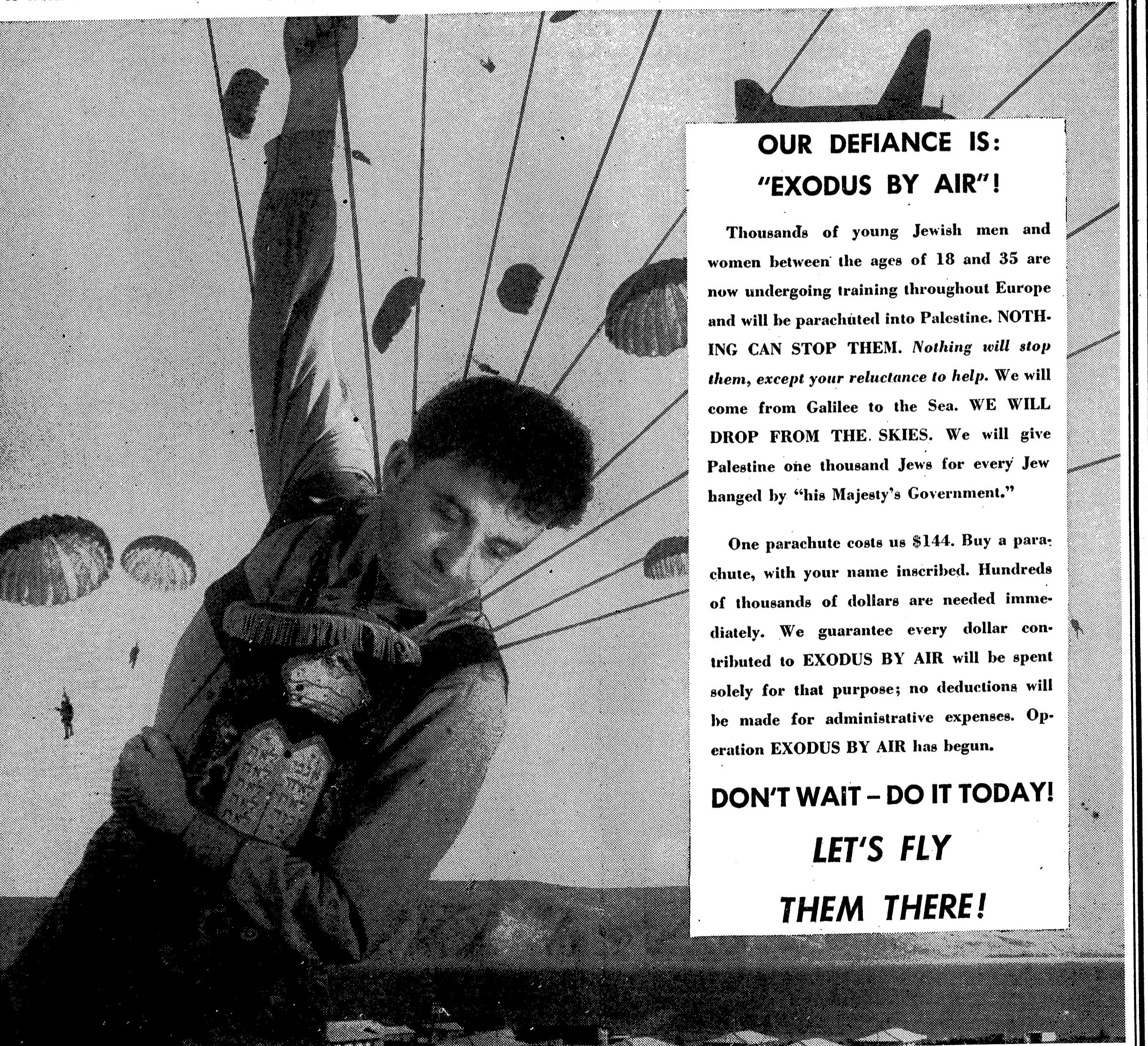
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65 Advertisements

Hitler's allies have infiltrated the United Nations. They swarm all over the place and have converted the General Assembly into a citadel of anti-Semitism. Do you remember Iraq, Egypt, Lebanon and Saudi Arabia? They supplied the reservoir of men for the Arab Legions recruited by the former Grand Mufti, Hitler's Middle Eastern favorite ally. Their hands, still moist with American blood, wave a finger under British tutelage and threaten the very posterity of the Jewish People.

A conglomeration of power politics, Arab oil, and pure and simple anti-Semitism is hard at work amidst all the paraphernalia revolving around United Nations procedure. Shrewd politics and international intrigue, guided by the suave British hand, have combined to dictate a policy of betrayal designed to terminate in a 'legal and judicial' manner the rights of Jewry to Palestine.

Perfidious Albion betrayed its Ally of El Alamein; Britain has dipped the crown in Jewish blood and polished it with Arab oil. Ten Downing Street declared war upon the Jews.



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Political Action Committee for Palestine, Inc.
104 West 70th Street, New York 23, N.Y.

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film developer because grain formulas are a little for compounding at home you still will want the both for processing your prints and for printing.

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ST. 3-9444 1:30 P.M.

Except for a photographic scales measuring grams, grains and ounces (\$6 or \$7), you probably have all the rest of the gear now: an accurate thermometer (\$1), a 32-oz. graduate (60c), a couple of brown glass quart bottles (25c each) and a gallon jug (50c).

There are numerous books and pamphlets on darkroom technique, but right now one or another of them always seems to be out of print. It doesn't matter much, anyway. Most of the formulas are pretty standard. Browse around your camera shop until you find one that appeals to you. One of the most widely used is Kodak's *Reference Handbook*, a loose-leaf binder of pamphlets on most phases of photography. All you need is the *Chemicals and Formulas* section, which is published as a separate pamphlet with eyelets to fit in the binder.

Whichever formulas you use, you will find these are the basic raw chemicals for preparing film and paper developers, film and paper hardeners and film and paper hypo:

Chemical	Amount	Appr. Cost
Metol (or Elon)	4 oz.	\$1.08
Sodium Sulphite	1 lb.	.20
Hydroquinone	4 oz.	.50
Sodium Carbonate	1 lb.	.27
Potassium Bromide	.4 oz.	.32
Acetic Acid, glacial	1 lb.	.48
(mix 3 parts to 8 of water)		
Potassium Chrome	1 lb.	.35
Alum		
Potassium Metabisulphite	1 lb.	.53
Hypo Crystals	.5 lb.	.40

If you are advanced now to the point where you use reducers and intensifiers or tone your prints, there is no reason why you haven't mastered these more elementary processes. If you haven't advanced that far yet, this is where to start.

I'll have more details for you next week, but meanwhile my advice is to mark May 16, 17 and 18 in your date book. Those are the days of the New York Photo Carnival, 11 a.m. to 10 p.m. at the 71st Regiment Armory, 34th St. and Park Avenue.

It will be a marathon field day for photographers with lights, girls and gay costumes, beauty

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Dallmeyer Dallon F/5.6 - 14" Barrel	150.00
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contests and folk dances, animals and acrobats. I'm told they are putting up a big stage and you'll have plenty of light, with or without flash, for black-and-white or color shots.

The Metropolitan Camera Club Council, with which more than 80 clubs hereabouts are affiliated, holds elections Wednesday at its annual meeting at the Village House, 141 W. 13th St. at 8 p.m.

Two of the Council's Club-of-the-Month Contests for May still are ahead—Monday at the Bronxville Public Library, auspices of the Bronxville Camera Club, and May 12, at 310 Riverside Dr., auspices of the Manhattan Camera Club.

IF YOU HAVE a Ektro, battery-driven, movie camera you can now get a converter to run it from house current and save

your battery for outdoor shooting (\$22.50) . . . Whitaker M-16's makers now have a mid-flashgun and synchronizer to fit

EXHIBITS: 30 Recent Photographs by Aaron Siskind at Egan Gallery, 63 E. 57th through May 17 . . . Photography by David Teich, A.P.S.A., Quality Photo Laboratories, 101 Joralemon St., Brooklyn through May 13.

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ROLLEICORD, 6x6, f3.5 Zeiss Triotor, E.R. case, L.N.	149.50
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CONTAX II, f2 Sonnar, L.N.	257.00

119 1947

EASTERN

E 410Y / G

16 MAY 1947 66

E 404/48/C

Mr Howard Madrid

Dated 14 May
Received 16 May

Last Paper.

E405b

References.

(Minutes.)

Draft reply. IIP Committee
have agreed JB May 20

(Print.)

(How disposed of.)
Tel) Had died 333
✓ 20 May
8) 11 P ✓ 22 May

(Action completed.)

(Index.)

Next Paper.

(E4199)

Е4119

30471 F.O.P.

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Cypher/OTP

Green M

48

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E 4107/g

16 MAY

DEPARTMENTAL No.1.

FROM MADRID TO FOREIGN OFFICE.

Mr. Howard
No. 535
14th May, 1947

D: 6.50 p.m. 14th May, 1947
R: 10.02 p.m. 14th May, 1947

&&&&&

SECRET.

F 275 6/48/c

I should be grateful for confirmation that you wish me to take action on your despatch No. 152 about Jewish illegal immigration.

2. Paragraph 5 suggests it may have been sent to me in error and so far as I am aware there is no evidence that facilities of any kind have been given in Spain to ships carrying Jewish illegal immigrants.

[Copy sent to Middle East Secretariat.]

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. E4107 48/G

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft.

to Madrid

Telegram.

No. 333

(Date) May 20/47

Repeat to:

Mr Carter 20/5

En Clair.

Code.

Cypher.

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Departmental No. 1

Copies to:-

11 P 20/5

68

F. O.,

May 1947.

Despatched 130 PM 20/5

Confidential.

Your telegram No. 335 of May 14th:
N.P.
Jewish Illegal Immigration we recognise
that the facilities have not so far been
granted for the traffic in Spain. Please
regard my despatch No. 152 as having been
copied but not addressed to you. Lists
will continue to be sent for information in
case organisers of the traffic should make
use of Spanish ports.

S.B. May 20

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DEPARTMENTAL NO:1

69

FROM FOREIGN OFFICE TO MADRID

No:333

D.1.30 p.m. 20th May 1947

20th May 1947

4 4 4 4

CONFIDENTIAL

Your telegram No:335 [of May 14th: Jewish Illegal Immigration].

We recognise that facilities have not so far been granted for the traffic in Spain. Please regard my despatch No:152 as having been copied but not addressed to you. Lists will continue to be sent for information in case organisers of the traffic should make use of Spanish ports.

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PALESTINE

E 4175

70

19 MAY

Registry Number } E 4175/48/31.

TELEGRAM FROM

No. M. Dreyfus Booyer
Dated Paris
Received in Registry } 4/20/47.
17 May 1947
19 -Treaty/Allgal Samgordion, Paris discussions.

Refer Paris tel 393 (E 3947/48/31) later at discussions on May 12 it was decided that agreed project should be embodied in an exchange of letters between Dr. M. M. M. and M. Boquet, meeting arranged for 19th to discuss draft.

Last Paper.

4149

(Minutes.)

References.

(Print.)

No comments. We shall see
what the Tambari are able to
fix up

J.D. May 21

(How disposed of.)

✓ Dr. J. Lloyd
Drafford Ladd P.O.
delegations
Prestige } H.O.
Refugee }
Le Maistre
Odds? Adams
Wainwright
P.T.O

(Action completed.)

G. D. M. /

(Index.)

R. R.
1947/48

Next Paper.

E 4199

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Wester? Ply
Wood } Transport

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Bentallack. M.C. 10.
May 20

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Cypher/OTP

19 MAY

DEPARTMENTAL No.2.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper
No. 407
17th May, 1947

D: 6.55 p.m. 17th May, 1947

R: 11.00 p.m. 17th May, 1947

३८८

IMMEDIATE.

SECRET.

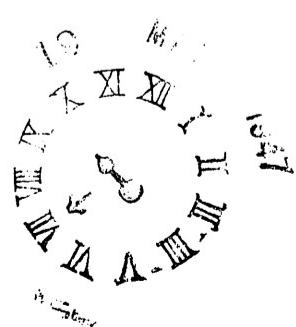
My telegram No. 393.

Illegal Jewish immigration.

At discussion on 12th May it was decided that agreed points should be embodied in an exchange of letters between His Majesty's Minister and M. Bousquet. Meeting has now been arranged for 19th May to discuss draft of which copy is in your possession.

2. We understand from M. Bousquet that he has met with great reluctance in high quarters to accept what was proposed but he has nevertheless secured acceptance of draft more or less as it stands. As you will be aware however, we came to a gentlemen's agreement on certain points not specifically mentioned in the draft e.g. that in communicating to us results of enquiry into validity of visas of ultimate destination Ministry of Foreign Affairs would furnish us with nominal rolls of Jewish immigrants involved with details of their origin. We must now expect that this and possibly other points not actually written into the draft will be withdrawn.

3. We intend to point out for example, that our acceptance of French views on subject of refoulement of illegal immigrants to France was influenced by undertaking to give us nominal rolls. If you have any other comments or suggestions we should be grateful to receive them by telephone before meeting at 1600 hours French time on 19th May.



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1947

119

PALESTINE

E 4179

73

(9 MAY

Registry Number } E4179/84/37

TELEGRAM FROM
Gen. W. A. Karpis

No. Ron

Dated
Received 1128

Received } 1120
in Registry }
18 May 1964
16

S.S. ANAH
Report Romptil 1127 (E 4178/84/31) now informed
that Anah was yesterday given by Stobas
authorities at Palermo minimum quantity of
coal to enable her to reach nearest port
(Savio). She has been forbidden to leave
Palermo.

Last Paper.

(Minutes.)

References.

JB May 20

(Print.)

(How disposed of.)

6475

May

Tesi) Rome 1127

~~Tel) Rome 1127
30 May~~

~~Rptd Cairo 1044~~

8) II P ✓ 5 times

(Action completed.)

(Index.)

1

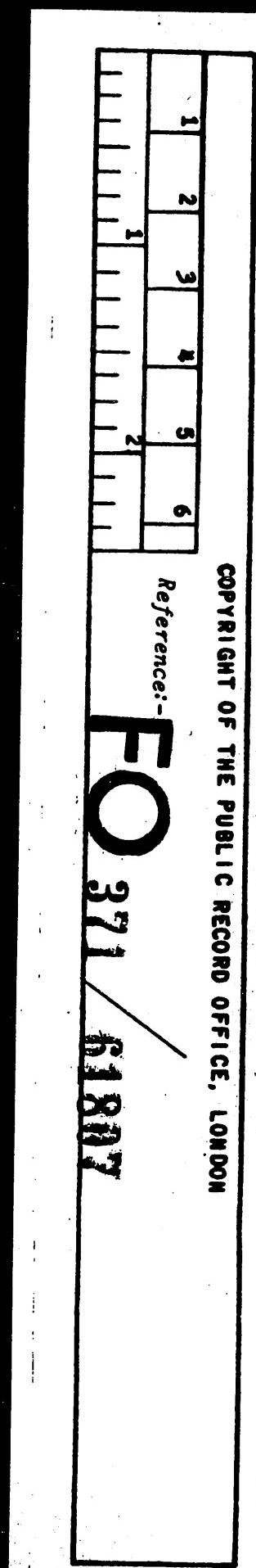
Next Paper.

4) 89
(Ex 25-8)

g.n.P.P. Cncl'd to Mallett	333	21/5
" "	339	22/5
- Cancled at	201123A	20/5
- " "	212343	22/5
- Admiralty at	201829	20/5
- " "	221915	22/5
- " "	211916	21/5
- " "	252346	25/5
- Whitstrand Bay	251200	25/5
- Cancled tel	251102	25/5
" War Office	211245	21/5
" "	231210	23/5
- Whitstrand Bay	212315	22/5
" "	201700	20/5
" "	201735	20/5
" "	202200	20/5
" "	210530	21/5
" "	220730	22/5

32003 F.O.P.

Tel. to Rome J.B., May 29
P.T.O.



74

- | | | |
|-----|-----------------------|----------|
| 19. | Tel to Palestine 1109 | 30 May |
| 20. | Adly comms 211122A | 21 May |
| 21. | Palestine 109Q | 31 May |
| 22. | Palestine 1040 | 31 May |
| 23 | Adly comms 281755A | - 28 May |
| 24. | " " 281816B | - 28 May |
| 25 | Maria 542 | - 29 May |
| 26 | Palestine 1109 | 30 May |

Bonne

OUTWARD TELEGRAM

INDEXED

INDEXED

76021/47

Cypher (O.T.P.)

TO MALTA (Mr. F.C.R. Douglas)

FROM S. OF S., COLONIES.

Sent 21st May, 1947. 17.15 hrs.

IMMEDIATE

No. 333 Top Secret.

Addressed Governor Malta.
Repeated High Commissioner for Palestine No. 1032.

MY telegram No. 307 repeated to Palestine No. 955.

Illegal immigration to Palestine.

Ship ANAL has left Palermo with some 350 Jews on board. It is possible that ship may attempt to make Malta. If she does so it is of utmost importance that she should not be permitted to leave without instructions from me.

Distributed to:-

75
307
pw

1	2	3	4	5	6
1	2				

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Reference:-

FO 371/64817

76

Distributed
M.S.25
Secreta
Sir T.
Mr. I.
Mr. Mar
Sir D.
Mr. Tra

No. 10
Lord Pr
Admiral
"
War Off
"
"
Air Min
"
Cabinet
"
"
Foreign
"
Ministry
"
M.I.5.
Ministry
Foreign

Cypher/

76

Distributed to:-

M.S.25
Secretary of State
Sir T. Lloyd
Mr. I. Thomas
Mr. Martin
Sir D. Harris
Mr. Trafford Smith

No. 10 Downing Street
Lord President
Admiralty
" "
" "
War Office
" "
" " (M.O.4.)
" " (M.I.3.)
Air Ministry
" "
Cabinet Offices
" "
" "
Foreign Office
" "
" "
Ministry of Defence
" " "
" " "
M.I.5.
Ministry of Transport
Foreign Office Research
Department

Mr. Mathieson
Mr. Higham
Mr. Bennett
Mr. Eastwood
Mr. Carstairs
Miss Fisher
Mr. Bigg
Miss Boyd
P.S. to Prime Minister.
Private Secretary.
" "
First Sea Lord.
Mr. G.C.B. Dodds.
Private Secretary.
C.I.G.S.
Lt.Col. J.G. Atkinson.
Lt.Col. W. Gore.
Private Secretary.
Chief of Air Staff.
Sir N. Brook.
Mr. S.E.V. Luke.
Mr. T.A.G. Charlton.
Commander Evershed.
Private Secretary.
Mr. C.W. Baxter.
Mr. Beith.
Private Secretary.
Sir Henry Wilson Smith.
Defence Registry.
Mr. J.C. Robertson.
Private Secretary.
Air Commodore K.C. Buss.

1	2	3	4	5	6
1	2	3	4	5	6

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Reference:-

FO 371/64807

MAY
XII XI X
I II III IV V VI VII VIII IX X
XI XII
1940

Sir N.
No. 112

18th Ma

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3. Ce

Fe
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E 4179

Cypher/OTP

DEPARTMENTAL NO.2

19 MAY

FROM ROME TO FOREIGN OFFICE

Sir N. Charles
No. 1128

D. 2.42 p.m. 18th May, 1947.

18th May, 1947.

R. 5.00 p.m. 18th May, 1947.

Repeated to : Paris

MOST IMMEDIATE

1000000

My telegram No. 1127: Jewish illegal immigration.

We are now told that s.s. Anal was yesterday given by the Italian authorities at Palermo minimum quantity of coal to enable her to reach nearest port (Tunis). On instructions from the Ministry of Foreign Affairs she has been forbidden to leave Palermo (on the pretext of technical examination) but the Italians assert that they must take decision about her tomorrow. Ship is said to be lying just off the port and as the Italians have no naval force at Palermo the Secretary General cannot guarantee that she will not make unauthorised departure.

2. You will no doubt prepare for the ship to turn up in French North Africa. Italians assert she came from Sets.

3. Comment in my immediately following telegram.

Foreign Office please repeat to Paris Immediate as my telegram No. 87.

[Repeated to Paris.]

1	2	3	4	5	6
1					
	2				

Reference:-
FO 371 / 31807

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OUTWARD TELEGRAM

76021/47

Cypher (O.T.P.)

TO MALTA (Mr. F.C.R. Douglas)

FROM S. OF S., COLONIES.

Sent 22nd May, 1947. 20.00 hrs.

IMMEDIATE

No.339 Top Secret.

Addressed Governor Malta.

Repeated High Commissioner, Palestine No.1041.

" G.-in-C. Mediterranean.

" G.-in-C. M.E.L.F.

" H.M. Ambassador Rome.

My telegram No.333 repeated to Jerusalem No.1032.

Illegal immigration into Palestine.

ANAL may attempt to enter Malta under plea of distress or shortage of fuel.

2. If vessel is able to proceed under own steam she should be given sufficient fuel to reach Augusta or Syracuse only repeat only. Precautions should be taken to ensure vessel has no concealed bunker stocks.

3. If ANAL incapable of movement under her own steam Naval authorities will arrange tonnage to last port of call in Italy i.e. Palermo.

4. It is important to establish by interrogation facts about embarkation of Jews in France or Italy and about assistance rendered by French and Italian authorities at ports of call.

5./

INDEXED

78
36
Int with

1	2	3	4	5	6
1					

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Reference:- FO 371 / 31817

79

5. You remain in Ma and other sh create publi sabotage of of passenger

Distributed MS.25
Secretar Sir T. I.
Mr. I. T.
Mr. Mart
Sir D. H.
Mr. Traf
No.10 Do
Lord Pre
Admiralt "

War Offi

" "

Air Min

" "

Cabinet "

" "

Foreign "

" "

Ministry "

" "

M.I.5.

Ministry

Foreign

79

5. You will presumably refuse permission to land or to remain in Malta. Vessels should be kept as far away from shore and other shipping as possible as passengers may attempt to create public disturbance. It is also not improbable that sabotage of ship may be attempted in order to secure disembarkation of passengers in British territory.

Distributed to:-

MS.25	Mr. Mathieson
Secretary of State	Mr. Higham
Sir T. Lloyd	Mr. Eastwood
Mr. I. Thomas	Mr. Bennett
Mr. Martin	Mr. Bigg
Sir D. Harris	Mr. Carstairs
Mr. Trafford Smith	Miss Fisher
No.10 Downing Street	Miss Boyd
Lord President	P.S. to Prime Minister.
Admiralty	Private Secretary.
"	"
"	First Sea Lord.
War Office	Mr. G.C.B. Dodds.
" "	Private Secretary.
" " (M.O. 1.)	C.I.G.S.
" " (M.I. 3.)	Lt. Col. J.G. Atkinson.
Air Ministry	Lt. Col. W. Gore.
" "	Private Secretary.
Cabinet Offices	Chief of Air Staff.
" "	Sir N. Brock.
" "	Mr. S.E.V. Luke.
" "	Mr. T.A.G. Charlton.
Foreign Office	Commander Evershed.
" "	Private Secretary.
" "	Mr. C.W. Baxter.
Ministry of Defence	Mr. J.G.S. Beith.
" " "	Private Secretary.
M.I. 5.	Sir H. Wilson Smith.
Ministry of Transport	Defence Registry.
Foreign Office Research Dept.	Mr. J.C. Robertson.
	Private Secretary.
	Air Commodore K.C. Buss.

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1 2 3 4 5 6
1 2
Reference - FO 371 31817

SECRET

80
FBI

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(*Note: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

22 MAY 1947
201123A May

From C. in C. Mediterranean

INDEXED

Date 20.5.47

Recd. 1348

NAVAL SECRETEX

To:- Admiralty

IMPORTANT

Following has been made begins - British Consul General Tunis from S.O.(I) Malta. Suspect illegal immigrant ship ANAL appears to be coming to Tunis and may arrive early tomorrow Wednesday. She is 253 ton steamship with single funnel four lifeboats, several rafts, 372 passengers and Panama Flag. Request immediate reports of her arrival and departure and also watch on ship in port if possible. Ends.

My 201122 refers.

201123A

Advance copy sent M. O. D.

1st Lord
1st S.L.(3)
V.C.N.S.
Secretary
Nav. Secretary
U.S.S.
O.D.(8)
M.(6) and for F.O.
D. of P.(2)
D. of P.(Q)(2)
D.C. (2)
D.N.I. (5)

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Reference:- FO 371 / 61807

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1	2	3	4	5	6

~~SECRET~~ 212343000

From C. in C. Med.

RECEIVED.—
DATE 22. 5. 47.

8 MAY 1947 TIME 8150

SECRET

WARNING This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

Addressed to **WHITEHORN BAY**
Admiralty, FOLI, COMPAL. INDEXED

IMMEDIATE.

In event of ANNAL becoming immobilised due to lack of fuel assistance should be offered. The master should be required to give particulars of port of departure and intermediate calls and to state where passengers were embarked as a pre-requisite to the giving of any assistance. This is most important.

2. No steps are to be taken to tow the ship until a signed request is received from the master or spokesman, including his fingerprints. It is desirable (corrupt group) should be towed back to Palermo if practicable. If the master requests towage to a different port you should report to C. in C. by most immediate signal asking for instructions.

3. Enquiries should also be made as to the shortages of feed and water.

212343

Advance copy sent L.C.

1st Lord	
1st S.L.	
V.C.N.S.	
U.S.B.	
Secretary	
Naval Secretary	
O.D.	(8)
D.O.	(2)
D. of P.	(Q) (2)
D. of P.	(2)
D.N.I.	(5)
M.	(2)

GB/27

N. 3

Foreign Office (Mr. Beith)

35

Cabinet Office (Cdr. Everard)

M.T.5 (Mr. T.A. Robertson)
c/o A.D.H.I.

**DISTRIBUTION OF THIS MESSAGE IS TO BE LIMITED TO
THOSE OFFICERS WHO ARE CONCERNED WITH ITS CONTENTS**

TOP SECRET

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(*NOTE: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

INDEXED.

201829 B/May

To: C. in C. Mediterranean

Date: 20.5.47.

~~SECRETEX~~

From: Admiralty

IMMEDIATE

your 201122.

2. Foreign Office are asking the Panamanian Government to request the French Government to hold ANAL at Tunis and also instructing the Consul General at Tunis to do everything possible to prevent her onward passage in particular until a communication is received by the French authorities from the Panamanian Government. Consul General's attention is being drawn especially to the need for withholding bunkers and to the Safety of Life at Sea Convention in view of numbers on board.

201829B

Head of M. I
Ext. 86

1st Lord
1st S.L.(3)
V.C.N.S.
Secretary
Naval Secretary
U.S.S.
D.O.D.(4)
Head of M. (6) 8
D. of P.(2)
D. of P.(Q)(2)
D.C.(2)
D.N.I.(4)

31
prf

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83

TOP SECRET

OUT

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(*NOTE : Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

221915B/May

To C.in C.Mediterranean
info F.O. L.I.,
COMPAL
GHQ, MELF

INDEXED

DATE 22/5/47

PW
Tel. Sent
JG, May 23

INTERSERVICE SPECIAL X

From Admiralty,

IMMEDIATE

Your 212343 to WHITESAND BAY.

If ANAL is found immobilised at sea, she should be towed back to Palermo notwithstanding any request by Master for towage elsewhere. Grounds for this are that Palermo is last port of departure.

2. If ANAL puts in to Malta, following action will be taken:-

- (a) Colonial Government will refuse permission to land, or to remain in Malta. Every endeavour will be made to secure that she is kept at convenient distance from shore, to avoid public incidents.
- (b) Interrogation will be carried out.
- (c) If she is incapable of movement under her own steam, she should be towed to Palermo.
- (d) If she can proceed under own steam, ship will be searched to ascertain fuel stocks. Fuel may then be issued, if necessary, sufficient to enable her to proceed under own steam to nearest Italian port. Augusta or Syracuse are suggested.
- (e) Ship will then be ordered to leave, and escorted to destination.

3. Above will be carried out by Colonial Government authorities. Request you render every assistance.

4. Colonial Office are issuing appropriate instructions to Malta Government and Foreign Office informing Ambassador Rome.

221915B

for Head of M.L (Ext. 86)

1st Lord
1st S.L (3)
V.C.N.S.
U.S.S.
Secretary
Naval Secretary
D.O.D. (4)
D.C.

D. of P. (Q)(2),
D. of P. (2)
D. N. I. (4)
M. (8) and for Foreign Office - Mr. Beith
Colonial Office - Mr. Higham
War Office - Brigadier
Calthorpe
Cabinet Office - Cdr. Eversheds.

B.A.

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Reference:-

FO 371 / 54817

WARNING
message, an

(*N

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THOSE OFFICERS WHO ARE CONCERNED WITH ITS CONTENTS**

TOP SECRET

84

OUT

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(*NOTE: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

211916B/May

Date 21.5.47

Addressed C. in C. Med.

Naval Cypher (AA)

From Admiralty

IMMEDIATE.

Your 211122.

Paragraph 3 (a) approved. Foreign Office are informing H.M. Ambassador in Rome that in the event of ANAL becoming immobilised at sea she will be towed back to Palermo.

2. In addition every effort should be made to discover at what port the illegal immigrants embarked, as suggested in your paragraph 3 (c). Report any firm information at once.

211916B

Head of M.I

Ext. 86.

1st Lord
1st S.L.(3)
V.C.N.S.
Secretary
Naval Secretary
U.S.S.
D.O.D.(4)
D.C.(2)
D.N.I.(4)
D. of P.(2)
D. of P.(Q)(2)
Hd. of M.(8) and
and

~~SECRET~~ SECRET

85

pw
OUT

WARNING: This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

(*Note: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

INDEXED

252346B/May 28 MAY 1947

Date 25.5.47.

To C. in C. Med.
Info. COMPAL.

N. CYpher (U)

From Admiralty.

IMMEDIATE

Your 251102. Concur. Request immediate report
if ANAL alters course for Greek waters.

252346B

Resident Clerk.

Approved V.C.N.S.

1st Lord.
1st S.L.(3).
V.C.N.S.
A.C.N.S.(2).
Secretary.
U.S.{S}.
O.S.{8}.
D.C.(2).
D.N.I.(5).

M.(4).
D. of P.{2}.
D. of P.{Q}.(2).
C.N.I.(2).
Resident Clerk Foreign Office.

lc12

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Reference:-

FO 371 / 61807

RESTRICTED.

86

IN

WARNING.—This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased if it is essential to communicate it to persons outside British or Allied Government Services.

251200A May

Date 25.5.47

Rec'd. 1355

From WHITESAND BAY

INDEXED

GENERAL X

Addressed C in C Med.
info Admiralty COMPAL

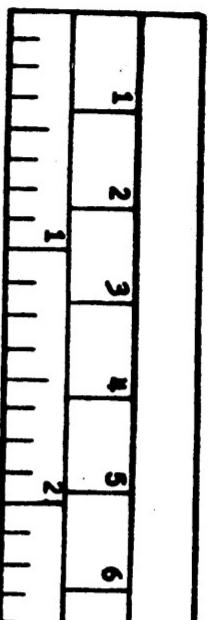
IMMEDIATE

ANAL's position course and speed, 34 degs
28 mins north. 21 degs 14 mins east, 100 5 knots.

251200A

Advance copy sent D.C.
R.C.

Resident Clerk
Foreign Office —



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SECRET IN

87

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(*Note: Messages shown as having been sent in a One-Time Pad :
"O.T.P." are excepted from this rule.) Date 25.5.47

From C in C Med. **RECD** Rec'd. 1355

SECRET X-11

Rec'd. 1355

Addressed Admiralty
info COMPAL

IMPORTANT.

Appreciation of the ANAL situation. Broadly, one of 3 things may happen. (A) she may break down at sea from lack of fuel or other cause. (B) She may enter a Greek Port. (C) She may arrive in Palestinian Territorial waters.

2. In the event of (A) Intend to act in accordance with 211916 in view however, of the distance, this is likely to be a protracted operation and it may be difficult to achieve the object, since if the master tries to evade being towed to Palermo or other Italian Port. Force cannot be used.

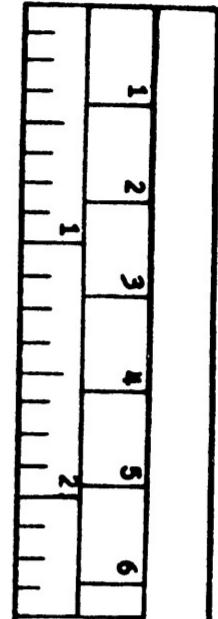
As regards (B) the ships will be out of Naval surveillance and it will become a diplomatic matter.

4. As regards (C) she will be dealt with as for other illegal immigrant ships.

251102A

1st Lord
1st S L (3)
V C N S
A C N S
Secretary
U SS
O D (8)
D C (2)
D N I '5)
M (8)
D of P (2)
D of P (Q)
C N I (2)
R C

Advance copy sent D C
R C



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FO
371
~~31897~~

Resident Clerk
Foreign Office -

TOP SECRET
CIPHER TELEGRAM

88

Mr Reith

This message will not be distributed outside British Government Departments or Headquarters or retransmitted, even in cipher, without being paraphrased.
(Messages marked O.T.P. need not be paraphrased.)

INDEXED

From : War Office

DTO 211245 B/May

To : Middle East

Desp. 21 May. 47

Rptd : Malta
Tripdist

TOP SECRET 87002 (MO 4)

Subject. Illegal immigrant shipping.

FIRST

Ship called ANAL reported to have left PALMERO night 19/20 May. At present being shadowed by Royal Navy off PANTELLARIA. She is believed to have approx 300 Jewish illegal immigrants on board.

SECOND

It was understood that she had only fuel sufficient for trip to TUNIS and therefore appears likely that she might put into MALTA or TRIPOLI to refuel.

THIRD

Request urgent instructions be issued that if this ship arrives in TRIPOLI she be delayed sailing to another port on any possible legal or administrative pretext.

FOURTH

Colonial Office have already signalled to Governor MALTA.

Message Control.

EMERGENCY

Copies to :- DMI
DDMI(I)
MI 1, 3
DMO
DDMO(A)
MO 1, 4
Foreign Office (Mr. Garran)
Colonial Office (Mr. Higham)
Admiralty
Ministry of Transport.

1	2	3	4	5	6

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Reference:-

FO 371 / 61807

89

TOP SECRET
CIPHER TELEGRAM

23 MAY 1947

This message will not be distributed outside British Government Departments or Headquarters or re-transmitted, even in cipher, without being paraphrased.
(Messages marked O.T.P. need not be paraphrased.)

Desp. 23 May '47.

From :- The War Office

DTO 231210 B/May

To :- C-in-C MELF

TOP SECRET 87257 (MO4)

Reference our signal 87002(MO4) dated 21 May

First . Admiralty signal 221915B/May Interservice

Special X to C-in-C Mediterranean info to F.O.L.I.

Compal and you gives latest policy in regard to ANAL
if she puts into Malta .

Second . Request you inform military authorities concerned
accordingly and arrange for them to confirm .

Message Control .

EMERGENCY

Copies to:- DMO
DDMO(A)
MO 1, 4.
DMI
DDMI(I)
NI 1, 3.
Foreign Office (Mr. Garran)
Colonial Office (Mr. Higham)
Admiralty
Ministry of Transport.

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Reference:-

1	2	3	4	5	6

FO 371 / 61807

SECRET 212315A/May IN

From WHITESAND BAY

RECEIVED:—
DATE 22. 5. 47.
TIME 0201

SECRETEX

WARNING: This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

[*NOTE: Messages shown as having been sent in a One-Time Pad ("O.T.P.") are excepted from this rule.]

Addressed C. in C. Mediterranean
Info: Admiralty, COMPAL.

INDEXED

IMMEDIATE.

At 1815A today Wednesday ANNAL altered course for Linosa Island arriving off Northwest Point at 2015A. At 2035A she turned to Eastward.

2. Consider her action due to desire to shelter from weather which moderated considerably by 2030A. Have carried out search round Linosa with negative results.

3. ANNAL position, course and speed 35 degs. 52 mins. North 13 degs. 02 mins. East 100 degs. 5 knots.

212315A

Advance copy sent D.C.

1st Lord
1st S.L.
V.C.N.S.
U.S.S.
Secretary
Naval Secretary
O.D. (8)
D.C. (2)
D. of P. (Q) (2)
D. of P. (2)
D.N.I. (5)
M. (2)

GR/27

Foreign Office (Mr. Beith)
Cabinet Office (Sir. Evershed)
Colonial Office (Mr. J.D. Higham)
M.I.5 (Mr. T.A. Robertson)
c/o A.D.N.I.

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Reference:-

FO 371 / 31817

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WARNING: This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

(*Note: Messages shown as having been sent in a One-Time Pad:

"OTP" are excepted from this rule.)

From WHITESAND BAY

Date 20.5.47.
Received 1923

INDEXED
SECRETEX

Addressed C. in C.Med.,
Info. Admiralty, COMPA.L.

MOST IMMEDIATE.

ANAL repetition ANAL mean line of advance
185 degs. five knots since 1200A today Tuesday.

2. Your 201152A understood.

201700A

* Not received by Admiralty.

Advance copies sent D.O., R.C.

1st. Lord.

1st. S. L. (3)

V. C. N. S.

Secretary

Naval Secretary

U.S.S.

D. of P. (2)

M. (6) and for F.O.Q.

D. N. I. (5)

D. of P. (Q) (2)

D. C. (2)

O. D. (8)

1	2	3	4	5	6
1				2	

Reference:-

FO 371 / 61817

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SECRET

IN

CB 92

WARNING : This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

(*Note: Messages shown as having been sent in a One-Time Pad :
"O.T.P." are excepted from this rule.)

201735A/May

From WHITESAND BAY INDEXED

Date 20.5.47.
Received 1907

SECRETEX

Addressed C. in C.Med.,
Info. Admiralty, COMPAL.

MOST IMMEDIATE.

ANAL altered course to 135 degs.

201735A

1st.Lord.
1st.S.L.(3)
V.C.N.S.
Secretary
Naval Secretary
U.S.S.
O.D.(8)
M.(6) and for Foreign Office
D.of P.(Q)(2)
D.of P.(2)
D.C.(2)
D.N.I.(5)
R.G.

Advance copies sent D.C., R.C.

1	2	3	4	5	6
1					

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SECRET

CB

93

WARNING: This is an unparaphrased version of a secret cypher or confidential code message and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.
(*Note: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

INDEXED

202200A/May

From WHITESAND BAY

Date 20, 5.47.
Received 2332

SECRETEX

Addressed C. in C. Med.,
Info. Admiralty, COMPAL.

MOST IMMEDIATE.

ANAL position course and speed 37 degs.
03 mins. North 12 degs. 16 mins. East 135 degs.
5 knots. In touch.

202200A

Advance copy sent D.C.

1st. Lord
1st. S.I. (3)

V.C.N.S.
Secretary
Naval Secretary

U.S.S.
M. (6) and for Foreign Office
O.D. (8)
D.N.I. (5)
D.of P. (2)
D.of P. (Q) (2)
D.C. (2)

41/EK

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Reference:-

FO 371 / 61807

SECRET

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(*Note : Messages shown as having been sent in a One-Time Pad :
"O.T.P." are excepted from this rule.)

C B
94

INDEXED

210530A/May

From WHITESAND BAY

Date 21, 5.47.
Received 0804

SECRETEX

Addressed C. in C.Med.,
Info. Admiralty, COMPAL.

MOST IMMEDIATE.

ANAL position course and speed 36 degs.
48 mins. North, 12 degs. 31 mins. East 160 degs,
4 knots.

210530A

Advance copies sent D.C., R.C.

1st. Lord.
1st. S.L. (3)
V.C.N.S.
Secretary
Nav. Secretary
U.S.S.
O.D. (8)
M. (6) and for Foreign Office.
D. of P. (Q) (2)
D. of P. (2)
D.C. (2)
D.N.I. (5)
R.C.

41/EK

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1				2	

Reference:-

EQ 371 / 64837

SECRET

WARNING: This is an unparaphrased version of a secret cypher or confidential code message and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

(*Note: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

95
m

From WHITESAND BAY.

INDEXED

220730A/May.

Date. 22-5-47.

Recd. 1007.

SECRET EX

To. C. in C. Med.
Info. Admiralty, COMPAL.

IMPORTANT

My 212315. Though no activities were observed opportunity existed for ANAL to land supernumeraries at Linosa as she was close inshore.

220730A.

1st Lord.
1st S.L. (3)
V.C.N.S.
Secretary.
U.S. S.
O.D. (8)
D.C. (2)
D. of P. {Q} (2)
D. of P. {2}
D.N.I. (5)
M. (2)

Foreign Office (Mr. Dallith)

Cabinet Office (Mr. Everard)

Colonial Office (Mr. J.D. Higham)

M.I.5 (Mr. T.A. Robertson)
c/o A.D.N.I.

41.
D.B.

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Reference:-

FO 371 / 61807

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<p>Registry No. E 4179/84/31</p> <p>J.G.S.B.</p> <p>Draft.</p> <p>Top Secret Secret Confidential Restricted Open</p> <p>Telegram. Rome.</p> <p>No. <u>1127</u></p> <p>(Date) <u>May 30th</u></p> <p>Repeat to :-</p> <p>Cairo, No. <u>1044</u> Date. Paris Saving, No. <u>1197 Sav.</u> Date.</p> <p>En Clair. Code. Cypher.</p> <p>Distribution : Departmental No. 2</p> <p>Copies to : I.I.P.</p> <p style="text-align: center;">OUT FILE</p>	<p style="text-align: right;">F.O., 96</p> <p>IMPORTANT.</p> <p>May, 1947.</p> <p>Despatched <u>9.40 a.m.</u> M.</p> <p>Your telegram No. 1128 of May 18th: Jewish Illegal Immigration.</p> <p>"Anal", after approaching Egyptian coast, turned northward on a course for Haifa and is likely to arrive shortly in Palestine waters. Please point out to the Italian authorities that this ship, contrary to the information they gave us, left Palermo with sufficient fuel to reach Palestine. Evidently the search made of the ship was inadequate.</p> <p>2. On arrival of this vessel, the Palestine Government will try to secure proof of where the passengers embarked. Meanwhile, you ^{should} will no doubt request the Italian Government to assert much stricter vigilance in checking the bunkers of suspected ships in future.</p> <p style="text-align: right;"><i>JB, May 29</i></p>
---	--

NOTHING TO BE WRITTEN IN THIS MARGIN

Reference:- **FO 371/61837**

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1	2	3	4	5	6
1					

No. E 4179/84/31.

OUT FILE

97

Confidential.

Cypher/OTP.

DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO ROME.

No. 1127.

D. 9.40 a.m. 31st May 1947.
30th May 1947.

Repeated to: Cairo, No.1044;
Paris, No.1197 Saving.

W:W:W:W:W

IMPORTANT.

CONFIDENTIAL.

Your telegram No.1128 [of May 18th: Jewish
illegal immigration].

"Anal", after approaching Egyptian coast,
turned northward on a course for Haifa and is likely
to arrive shortly in Palestine waters. Please point
out to the Italian authorities that this ship,
contrary to the information they gave us, left Palermo
with sufficient fuel to reach Palestine. Evidently
the search made of the ship was inadequate.

2. On arrival of this vessel, the Palestine
Government will try to secure proof of where the
passengers embarked. Meanwhile, you should request
the Italian Government to assert much stricter
vigilance in checking the bunkers of suspected
ships in future.

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Reference:-

FO 371 / 518 NY

1	2	3	4	5	6

JUN 1947

TOP SECRET
CIPHER TELEGRAM

This message will not be distributed outside British Government Departments or Headquarters or re-transmitted, even in cipher, without being paraphrased.
(Messages marked O.T.P. need not be paraphrased.)

MW
Registration 98

E4179 G

029331

CIPHER TELEGRAM

TO PALESTINE (Gen. Sir A. Cunningham).

FROM S. of S. COLONIES.

Sent 30th May, 1947, 20.15 hrs.

No. 1109

Addressed High Commissioner, Palestine.
Repeated His Majesty's Ambassador Rome.
C. in C. M.E.L.F.
C. in C. Mediterranean.

MOST IMMEDIATE.

My telegram No. 339 to Malta repeated Palestine No. 1041
C. in C. Mediterranean and C. in C. M.E.L.F.

You will see from my telegram under reference that it was
intention to return ANAL to last port of call i.e. Palermo
with Jews on board.

2. I understand ANAL will probably arrive at Haifa tonight.

3. His Majesty's Government are considering possibility of
returning illegal immigrants to country of origin in British
transports where there is clear proof of where embarkation took
place. This would clearly be one of most effective blows that
could be struck against this traffic. Italian Government have
already been informed that we shall insist on return of such
immigrants embarked at Italian ports.

4. Owing to lack of evidence where ANAL passengers embarked
it does not seem possible to execute this operation in this case.
Should you however be able to obtain evidence and to hold
immigrants on transport in Haifa for 24 hours it would give
opportunity of reaching decision on this case.

Copies sent to:

Cabinet Offices
Foreign Office
Ministry of Defence
Ministry of Transport
War Office
Admiralty
Air Ministry.

War Office Distribution by MO 4 (MO 4 for action).

DMO
DDMO(A)
MO 1. 4(12)
MI 3

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1	2	3	4	5	6
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Reference:-

FO 371 / 61807

DISTRIBUTION OF THIS MESSAGE IS TO BE LIMITED TO
THOSE OFFICERS WHO ARE CONCERNED WITH ITS CONTENTS

TOP SECRET

99

[Signature]
IN

WARNING : This is an unparaphrased version of a secret cypher or confidential code message, and the text must first be paraphrased* if it is essential to communicate it to persons outside British or Allied Government Services.

(*NOTE: Messages shown as having been sent in a One-Time Pad:
"O.T.P." are excepted from this rule.)

J 49 Y 9 / 48 / C

4 JUN 1947

211122A May

DATE 21/5/47

RECD 1400

FOSEK

From C. in Q. Med.

Addressed Admiralty

IMMEDIATE

If ANAL continues her voyage towards Palestine which seems to be her present intention she will probably soon be immobilised by lack of fuel. F.O.L.I's 201126 refers.

2. In this event WHITESAND BAY will no doubt be asked for assistance and a policy will be required as to what to do with ANAL.

3. Alternatives appear to be:-

- (a) tow her to Palermo her last port of call
- (b) tow her to a port in Tunisia
- (c) tow her to Tripoli whence passengers might be shipped back to country from which they started, which information could no doubt be extracted before undertaking is given to render assistance
- (d) bring her into Malta and give her enough fuel under written guarantee that she would return to port of departure. It is doubtful however whether such guarantee would be honoured even if she was escorted.
- (e) as for (d) but allow her to continue to Palestine which might give us opportunity to discover whether there is planned arrangement for further embarkation in Aegean.

4. From purely Naval point of view I incline towards alternative (c) repeat (e) but the logical course and more in accord with policy of stopping illegal immigrants embarking would appear to be to take that ship back to the country, where she embarked passengers and leave the country to deal with them. I recommend this policy if diplomatically possible.

211122A

1st Lord
1st S. L. (3)
V. C. N. S.
Secretary
Naval Secretary
U. S. S.
D. O. D. (4)
D. O. (2)
D. N. L. (4)
D. of P. (2)
D. of P. (Q)(2)
Hd. of M. (8) for action (and for F.O. and Cabinet Office)

(Mr. Bath)

1	2	3	4	5	6
1	2				

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Reference:-

FO 371 / 61817

INWARD TELEGRAM

E 4Y9/48 19

20

100

Keep with pp
MAY 26

a document must be prepared if the communication of its contents
any person outside Government Service is authorised.

Cypher

FROM PALESTINE (Gen. Sir A. Cunningham) ^{TO THE SECRETARY OF STATE FOR}
TO S. OF S., COLONIES.

D. 31st May, 1947.
R. 1st June, " 05.20 hrs.

IMMEDIATE

No. 1090 Top Secret.

TO THE SECRETARY OF STATE FOR
THE COLONIES
Reference:-

Addressed to S. of S.
Repeated to C. in C. Mediterranean No. 810.
" C. in C. M.E.L.F. No. 811.
" Ambassador Rome No. 812.

My telegram No. 1068.

ANAL.

Careful search of ship and enquiry have failed to reveal any evidence sufficient to warrant return of immigrants to port of embarkation as suggested. Evidence is, in fact, considerably less than usual and port of embarkation not (repeat not) clearly established.

2. In the circumstances I am arranging onward transit of immigrants at earliest possible moment to Cyprus.

/Distributed

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1				2	

FO 371 / 51807

101

Distributed to:-

M.S. 25
Secretary of State
Sir T. Lloyd
Mr. I. Thomas
Mr. Martin
Sir D. Harris
Mr. Trafford Smith
Mr. Mathieson
Mr. Higham

No. 10 Downing Street
Lord President
Admiralty

"
War Office

" " (M.O.4)
" " (M.I.3)

Air Ministry

" "
Cabinet Offices

" "

Foreign Office

" "

Ministry of Defence

" " "
" " "

M.I.5

Ministry of Transport

Foreign Office (Research Dept.)

- P.S. to Prime Minister.
- Private Secretary.
- Private Secretary. Q.C. O.Q.C. Q.C.
- First Sea Lord.
- Mr. G.C.B. Dodds.
- Private Secretary. C.I.G.S.
- Lt. Col. J.G. Atkinson.
- Lt. Col. W. Gore.
- Private Secretary.
- Chief of Air Staff.
- Sir N. Brock.
- Mr. S.E.V. Luke.
- Mr. T.A.G. Charlton.
- Commander Evershed.
- Private Secretary.
- Mr. C.W. Baxter.
- Mr. Beith.
- Private Secretary.
- Sir Henry Wilson Smith.
- Defence Registry.
- Mr. T.A. Robertson.
- Private Secretary.
- Air Commodore K.C. Bucs.

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Reference:-

FO 371/ 61817

1	2	3	4	5	6
1				2	

INWARD TELEGRAM

E4Y9/48/9

pher (O.T.P.)

FROM PALESTINE 4 JUN 1947 (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 31st May, 1947.
R. 31st " " 17.00 hrs.

MOST IMMEDIATE
No. 1063 Top Secret.

Addressed to S. of S.
Repeated to Rome No. 805.
" " C. in C. M.E.L.F. No. 806.
" " C. in C. MED. No. 807.

Your telegram No. 1109-

Illegal Immigration.

1. We are now endeavouring to obtain the information required and will telegraph on this subject later.

2. I am in agreement with the policy outlined in your telegram, for which we pressed many months ago and would not like it to be taken that I object to it. I should, however, inform you that reactions will almost certainly be severe. From the political side, we will be attacked on the grounds that by intensifying our immigration policy just at this time we are vitiating the U.N.O. appeal for the preservation of peace. I am also advised that Hagana may well come out into active resistance against us and may not only cease their campaign of non-violent resistance to terrorism but may even take part in operations against us.

3. I again repeat that I am in agreement with policy in spite of these factors.

4. ANAL docked at Haifa 1030 hours and transhipment into transports is proceeding.

/Distributed

102
Entit

1	2	3	4	5	6
1	2				

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Reference:-

FO 371 / 61807

103

RECEIVED IN C.B.

3 JUN 1947

SENT TO DEPT.

Distributed to:-

M.S. 25
Secretary of State
Sir T. Lloyd
Mr. I. Thomas
Mr. Martin
Sir D. Harris
Mr. Trafford Smith
Mr. Mathieson
Mr. Higham

No. 10 Downing Street
Lord President
Admiralty

"

"

War Office

"

"

{M.O.4}
(M.I.3)

Air Ministry

"

Cabinet Offices

"

"

Foreign Office

"

"

Ministry of Defence

"

"

"

M.I.5
Ministry of Transport
Foreign Office (Research Dept.)

- P.S. to Prime Minister.
- Private Secretary.
- Private Secretary.
- First Sea Lord.
- Mr. G.C.B. Dodds.
- Private Secretary.
- C.I.G.S.
- Lt. Col. J.G. Atkinson.
- Lt. Col. E. Gore.
- Private Secretary.
- Chief of Air Staff.
- Sir N. Brook.
- Mr. S.E.V. Luke.
- Mr. T.A.G. Charlton.
- Commander Evershed.
- Private Secretary.
- Mr. C.W. Baxter.
- Mr. Beith.
- Private Secretary.
- Sir Henry Wilson Smith.
- Defence Registry.
- Mr. T.A. Robertson.
- Private Secretary.
- Air Commodore K.C. Buss.

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1	2	3	4	5	6
1				2	

INWARD TELEGRAM

104

E4149/48/Q

pher (O.T.P.)

4 JAN 1947

Keep with pp
W.M. - 2/6

FROM PALESTINE (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 31st May, 1947.
R. 31st " " 23.45 hrs.

No. 1070

My telegram No. 1068.

Illegal immigrants.

Number of illegal immigrants on board ANAL is 399
(repeat 399) of whom 392 have been transhipped to OCEAN VIGOUR
and 7 (repeat 7) landed for hospitalization.

Distributed to:-

No. 10 Downing Street
Lord President

- P.S. to Prime Minister.

Admiralty

- Private Secretary.

"

- Private Secretary.

"

- First Sea Lord.

"

- Mr. G.C.B. Dodds.

"

- Private Secretary.

"

- C.I.G.S.

"

- Lt. Col. J.G. Atkinson.

"

- Lt. Col. W. Gore.

"

- Private Secretary.

"

- Chief of Air Staff.

"

- Sir W. Brook.

"

- Mr. S. E. V. Luke.

"

- Mr. T.A.G. Charlton.

"

- Commander Evershed.

"

- Private Secretary.

"

- Mr. C.W. Baxter.

"

- Mr. Beith.

"

- Private Secretary.

"

- Sir Henry Wilson Smith.

"

- Defence Registry.

"

- Mr. T.A. Robertson.

"

- Private Secretary.

"

- Air Commodore K.C. Busse.

War Office

" "

" " (M.O.4)

" " (M.I.3)

Air Ministry

" "

Cabinet Offices

" "

" "

" "

Foreign Office

" "

" "

" "

Ministry of Defence

" "

" "

" "

M.I.5

Ministry of Transport

Foreign Office (Research Dept.)

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1	2	3	4	5	6
1	2				

SECRET

105

IN

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(*NOTE : Messages shown as having been sent in a One-Time Pad :
"O.T.P." are excepted from this rule.)

479 48 G

Tel. sent to Cairo
JB.mn 28

281755A/May.

From C. in C. Med.

Date 28.5.47.

Recd. 2136.

SECRETEX

Addressed Admiralty.

Info. COMPAL, N.O.I.C. Port Said. S.B.N.O.M.E.
WHITESAND BAY.

IMMEDIATE

Suspected illegal immigrant ship ANAL position
course and speed at 1200A today Wednesday

32 dogs. 40 mins. North
28 dogs. 52 mins. East
110 degrees.
5.5.

2. She appears to be making for Port Said expected
time of arrival at present speed 0001A/Friday 30th May.
WHITESAND BAY is shadowing.

3. If ship enters Port Said intend WHITESAND BAY to
enter and remain until relieved or until situation is
clarified.

4. If ANAL enters any other Egyptian port intend
WHITESAND BAY to remain off port outside territorial waters.

281755A

Advance copy - D.C. - R.C.

1st Lord.

1st S.L.(3).

V.C.N.S.

Secretary.

Naval Secretary.

U.S.S.

O.D.(8).

D.C.(2).

M.(8).

D. of P.(2).

D. of P.(Q).(2).

D.N.I.(5).

R.C.

1c8

Foreign Office (Mr. Beith)

Colonial Office (Mr. Higham)

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Reference:-

FO 371 / 61807

1	2	3	4	5	6
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106

SECRET IN

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(*Note: Messages shown as having been sent in a One-Time Pad :
"O.T.P." are excepted from this rule.)

479 48 9 281816B/May.

From COMPAL.

Date 28.5.47.

Recd. 2150.

GENERALEX

Addressed C. in C. Med. TALYBONT.
Info. Ships in company D.3. Admiralty. WHITESAND BAY.
N.O.I.C. Port Said. H.B.N.M. (G) AJAX.

IMMEDIATE

Intend to sail TALYBONT at 0400B tomorrow Thursday
to relieve WHITESAND BAY shadowing ANAL.

2. Subject to concurrence of C. in C. Med. intend
WHITESAND BAY proceed Haifa on relief and take over from
SKIPJACK who will be sailed to Malta after turnover.

3. Homing on 385 M/cs.

4. WHITESAND BAY's 281200B not to all being passed
to TALYBONT refers.

5. TALYBONT acknowledge and sail at 14 knots to
comply. Constant watch on 4205 k/cs.

281816B

Advance copy - D.G.

1st Lord
1st S.L.(3)
V.C.N.S.
A.C.N.S.
Secretary
Naval Secretary
D.C.
O.D.(8)
D.N.I.(5)
D.of P.(2)
M.(8)
D.of P.(8)(2)
U.S.G.

~~Foreign Office (Dr. 2416)~~
~~Colonial Office (Dr. 2416)~~

B.A.

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Reference:-

FO 371 / 61807

INWARD TELEGRAM

4179/48/29

37
P.W. 107

This document must be paraphrased if the communication of its contents to any person outside Government Service is authorised.

Typex

FROM MALTA (Mr. F.C.R. Douglas)

TO S. OF S. COLONIES.

D. 29th May, 1947.
R. 29th 23.30 hrs.

No. 542 Top Secret.

Your No. 339.

Illegal Immigration ship.

Naval authorities report chances of ship named calling at Malta are negligible. In view of possibility of other illegal immigrant ships calling here, grateful learn what action you would wish taken and what powers, if any, exist to enable Government or Admiralty authorities to detain ship or, alternatively, to force it to stay in Malta. Local legislation does not provide such powers except in so far as Merchant Shipping Act is applicable in part. Newspapers report that appropriate Ordinance has been enacted in Gibraltar, and that COLONY TRADER has been detained thereunder same.

Distributed to:-
G.I.M.
S.Y.O.
S.Y.C.
S.Y.D.

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Reference:-

FO 371/61817

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	2				

108

Distributed to:-

M.S.25
Secretary of State
Sir T. Lloyd
Mr. I. Thomas
Mr. Martin
Sir D. Harris
Mr. Trafford Smith

No. 10 Downing Street
Lord President
Admiralty

"
" War Office
" " (M.O.4.)
" " (M.I.3.)

Air Ministry
" "

Cabinet Offices
" "

" "
" "

Foreign Office
" "

Ministry of Defence
" " "
" " "

M.I.5.
Ministry of Transport
Foreign Office
Research Department.

Mr. Mathieson
Mr. Higham
Mr. Eastwood
Mr. Bennett
Mr. Bigg
Mr. Carstairs
Miss Fisher
Miss Boyd
Mr. Roberts-Wray
P.S. to Prime Minister.
Private Secretary.
"

First Sea Lord.
Mr. G.C.B. Dodds.
Private Secretary.
C.I.G.S.
Lt.Col. J.G. Atkinson.
Lt.Col. W. Gore.
Private Secretary.
Chief of Air Staff.
Sir N. Brook.
Mr. S.E.V. Luke.
Mr. T.A.G. Charlton.
Commander Evershed.
Private Secretary.
Mr. C.W. Baxter.
Mr. J.G.S. Beith.
Private Secretary.
Sir H. Wilson Smith.
Defence Registry.
Mr. T.A. Robertson.
Private Secretary.

Air Commodore K.C. Bass.

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1	2	3	4	5	6
1	2	3	4	5	6

Reference:-

FO 371 / 51897

OUTWARD TELEGRAM

4149/48/61

109

2 JUN 1947

b2
b7c

76024/47

Cypher (D.T.P.)

TO PALESTINE (GEN. SIC A. GUARIGLIA)

FROM S. OF S. COLONIES.

Sent 30th May, 1947. 20.45 hrs.

No. 1009.

Addressed High Commissioner, Palestine.
Repaired His Majesty's Ambassador Rome.

CC to S. M.R.L.P.
CC to C. Mediterranean.

MOST IMMEDIATE

1. My telegram No. 539 to Malta repeated
Palestine No. 1041 C. in C. Mediterranean and C. 12 C.
M.R.L.P.

You will see from my telegram under
reference that it was intention to return ANAL
to last port of call i.e. Palestine with Jews on board.

2. I understand ANAL will probably arrive
at Haifa tonight.

3. H.M.'s Government are considering
possibility of returning illegal immigrants to country
of origin in British transverses where there is clear
proof of where embarkation took place. This would
clearly be one of most effective blows that could be
struck against this traffic. Italian Government have
already been informed that we shall insist on return
of such immigrants embarked at Italian ports.

4. Owing to lack of evidence where ANAL
passengers embarked it does not seem possible to execute
this operation in this case. Should you however be able
to obtain evidence and to hold immigrants on transport
in Haifa for 24 hours it will give opportunity of reaching
decision on this case.

Copies sent back

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Reference:-

FO 371 / 51807

110

Copies sent to:-

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Lord President
Admiralty

"
War Office

" " (H.O.4)
" " (H.I.3)

Air Ministry

Cabinet Offices

" " Foreign Office

" " Ministry of Defence

" " M.I.5
Ministry of Transport

Foreign Office (Research Dept.)
Cabinet Offices

- P.R. to Prime Minister.
- Private Secretary.
- Private Secretary.
- First Sea Lord.
- Mr. G.C.W. Dodds.
- Private Secretary.
- C.I.G.S.
- Lt. Col. J.G. Atkinson.
- Lt. Col. H. Gore.
- Private Secretary.
- Chief of Air Staff.
- Sir M. Brock.
- Mr. T.A.G. Charlton.
- Private Secretary.
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- Mr. Balch.
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- Sir Henry Wilson Smith.
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- Mr. T.A. Robertson.
- Private Secretary.
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- Commander Evershed.

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Reference:-

FO 371 / 31807

		Palestine	E4199 /G 19 MAY 1947
120 1947		EASTERN	
E 4199/48/G.		<u>Illegal immigration</u>	
<p>Mr Harrison Russells 205 Dated 17 May Received 19 May.</p> <p>Last Paper. E4199 E4199</p> <p>References.</p> <p>(Print.)</p> <p>8) IIP. Disposition ^(How disposed of) 19 May</p> <p>Action completed.)</p> <p>28/2/55</p> <p>Next Paper. E4206 (E4212)</p>		<p>Reps to F.O. deep 338(E4199/48/G) Reports that inquiries are being made regarding Aegean Pier & Mosses.</p> <p>Has been given I.I.P. distribution ^(Minutes.)</p> <p><i>[Signature]</i> C.E.CABLE 19/5 J.B. May 19</p>	

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Reference:- FO 371 / 61817

19 MAY 1947

E

19 MAY 1947

112

Cypher/OTP

19 MAY 1947
DEPARTMENTAL No. 2.

FROM BRUSSELS TO FOREIGN OFFICE.

Mr. Harrison. D. 3.00 p.m. 17th May, 1947.
No. 205.

17th May, 1947. R. 6.15 p.m. 17th May, 1947.

Repeated to High Commissioner Jerusalem.

3 5 3

SECRET.

Your despatch No. 338.

Elyne.

Weekly report.

Enquiries being made at Antwerp
regarding S.S. Aegean Star and S.S. Ilissos,
otherwise nothing to report.

Foreign Office please repeat to High
Commissioner Jerusalem as my telegram No. 1.

19 MAY 1947

19 MAY 1947

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Reference:- FO 371/61897

PUBLIC RECORD OFFICE

Group..... *FO*

Class *371*

Piece *61807*

Following document(s)*

~~retained in the Department of Foreign*~~

transferred to PRO Safe Room*

E4206/48/31

and closed until..... *1998*

*delete as necessary

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FO 371/61807

		Palestine	E4212 /G	113
1947 122	EASTERN	19 MAY 1947		
E 4212 148/9	<p>Illegal immigration</p> <p>Reps to F.O. Es 469 (E 3456/48/C)</p> <p>Repairs that M.F.A have been asked to prevent embarkation of illegal immigrants.</p>			
Last Paper. E 4206 (E 4199)	<p>(Minutes.)</p> <p>Attach a copy of this tel. file of repairs on to your circular despatch</p> <p>E 4366/42/9</p> <p>JB. May 20</p>			
References.				
(Print.)				
<p>(How disposed of.)</p> <p>8) 11P ✓ 22 May</p>				
(Action completed.) SF 22/5	(Index.) W.H.			
<p>Next Paper.</p> <p>E 4208 (E 4276)</p>				

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Reference:-

EO 371 / 51807

E4212

19 MAY 1947

DEPARTMENTAL NO.2. 1/4

CYFHER/OTP

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No. 122 Saving.
May 15th, 1947.

R. 10.20.a.m. May 19th, 1947.

Repeated to Jerusalem (for High Commissioner)
No. 7.

6 6 6 6 6

E | e

586. Your telegram No. 769 and Despatch No.

Illegal Immigrant vessels.

Ministry of Foreign Affairs were urged
on May 14th to take all possible steps to prevent
the embarkation of any illegal immigrants on
Archangelos and to prevent, or failing that delay,
sailing, if she tries to leave empty.

Foreign Office please repeat in cypher
to Jerusalem as my telegram No. 7.

[Copies sent to Telegraph Section Colonial
Office for repetition to Jerusalem.]

TELEGRAM.

Cypher

OTP/PV Bag

2 JUN 1947

Code

Clear

From:-

HM Ambassador, Paris.

Despatched

16.5.47

No.

122 Saving of

Asst Easton

Advance copy

115

To:- Foreign Office, London
reptd to Jerusalem for High
Commissioner No. 7.

Received

15.5.47

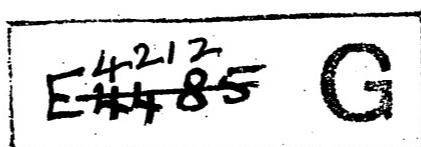
Your Telegram No. 769 and Despatch No. 586.

Illegal Immigrant vessels.

Ministry of Foreign Affairs ^{were} urged on May 14th to take all possible steps to prevent the embarkation of any illegal immigrants on ARCHANGELOS and to prevent, or failing that delay, sailing, if she tries to leave empty.

F.O. please repeat in cypher to Jerusalem as my Tel No. 7.

DUFF COOPER



B time 3

PP in Dept.

W30056. D1128. 10M. 10/45.

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OUTWARD TELEGRAM

116

I.P.G.

Cypher /OTP

DEPARTMENTAL No. 2.

FROM FOREIGN OFFICE TO PARIS

No. 769

14th May, 1947. D. 5.55 p.m. 14th May, 1947.

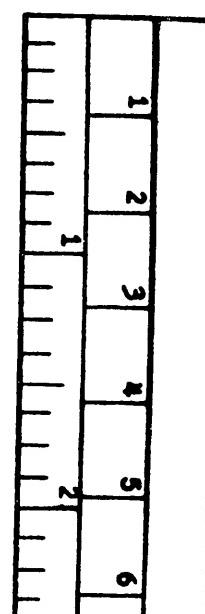
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MOST IMMEDIATE

My despatch No. 586 [of the 9th May: illegal immigration traffic].

Information has just been received that the "Archangelos" (page 2 of the list of suspect shipping) is likely to sail from Marseilles in the near future.

2. Please urge the French Government to take all possible steps to prevent the embarkation of any illegal immigrants on this vessel and to do everything possible to prevent, or at least delay, her departure, should she seek to leave Marseilles empty.



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E 4219

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20 MAY

PALESTINE

Registry Number E 4219/48/31
 FROM G.O.
 No. Comint.
 Dated 16 May 1947
 Received in Registry 20

Prohibition of Illegal Immigrant Ships.
 Research copy of letter from Admiral to
 D.G.C. 46021/47 dated May 1947.
 Describes prosecution of masters and
 crews of ships. prohibited outside 3
 mile limit.

Last Paper.

(Minutes.)

4212

References.

(Print.)

(How disposed of.)

Adm. J.M. Biggins
 Colonial Office
 from M.R.E.
 with enc. Nov 7
 Compt. G.B. Oodols.
 Admiralty
 G. Evans ✓ Nov 7
 Customs ✓ Nov 7
 ✓ Nov 7

(Action completed.)
 ✓ Nov 7/11
 ✓ Nov 7/11
 ✓ Nov 7/11
 ✓ Nov 7/11

(Index)
 ✓ Nov 7/11
 ✓ Nov 7/11
 ✓ Nov 7/11
 ✓ Nov 7/11

Next Paper.

4221

32003 F.O.P.

The main point so far as the ~~foreigners themselves~~ are concerned is that of stopping and boarding foreign ships outside the three mile limit, and subsequently escorting them in to a British port. This must be carefully distinguished from the exercise of jurisdiction.

Foreign Office

jurisdiction/

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jurisdiction over such ships, or over their master or passengers on board them, ~~with~~ those ships or persons which in fact come within British territorial jurisdiction. There is not much real difficulty so far as international law is concerned in the exercise of jurisdiction of the latter type. It is true that English law basically adopts the territorial principle of jurisdiction, so that with exceptions and apart from special legislation, jurisdiction, is normally only exercised in respect of offences committed within the jurisdiction. Certain offences committed outside the jurisdiction by British subjects have, however, always been justiciable in a British Court, and there is nothing to prevent these types of offences being added to by legislation.

The position is not quite so clear as regards the exercise of jurisdiction over foreigners in respect of offences committed by them outside the jurisdiction. In general, English law does not admit that any jurisdiction exists in such cases. Legislation would of course be necessary to enable our courts to exercise it, and the passing of such legislation would, so far as I am aware, be a novelty. On the other hand, a considerable number of other countries do purport to exercise jurisdiction over foreigners in respect of offences committed abroad where those offences come within the category of offences against the safety of the state concerned. So that purely from the point of view of international practice, there would not be any radical objection to our exercising jurisdiction over foreigners in respect of things done by them outside our jurisdiction, and the cases of organised attempts to defeat the immigration laws would certainly constitute a proper category of case in which to exercise this kind of jurisdiction.

The exercise of all such jurisdiction, however, presupposes that the vessel or person concerned is within the jurisdiction at the time when the proceedings are brought, and I think there is also an implication that the vessel or person should have entered the jurisdiction voluntarily and not as a result of an act of force, and the wholly different issue arises when it is proposed to stop foreign ships on the high seas and bring them in under escort. We may in fact decide to do this, and I gather that sub rosa we are doing it already, but I do not like the idea of trying to justify it under any recognised principle of international law. I do not think the cases quoted in paragraphs 8 and 9 of the Colonial Office letter form good precedent. For instance, Section 179 of the Customs Consolidation Act of 1876 is careful to limit the exercise of jurisdiction over foreigners to acts committed within the three mile limit, and even in so far as it ~~may provide for~~ the exercise of jurisdiction over foreigners or foreign ships in respect of things done outside the three mile limit, it does not in any way authorise action against the vessel outside that limit for the purpose of bringing her within the jurisdiction. In fact jurisdiction under this Section can only be exercised against a foreigner or foreign ship which enters, or is found, within the jurisdiction.

As regards the revenue and sanitary laws referred to in paragraph 9 of the C.O. letter, I should say that these were merely cases of certain duties imposed upon vessels coming to our ports, and which those vessels have to carry out before they reach the three mile limit, as a condition of being

allowed/

(b) (i)

(c) (i)

for its economy

(d)

high value
small i

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Minutes.

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allowed to enter our ports, land their passengers, discharge their cargoes, etc. This is, of course, quite legitimate. It is not strictly speaking imposing duties or exercising jurisdiction over those ships outside the three mile limit at all. It is merely saying that a ship which does not conform to certain conditions and has not carried out, say certain precautionary measures, while she was still ~~outside~~ a certain distance from our shores, shall not be permitted to come to our ports, etc.

Again the reference to the passage in Oppenheim in which the use of force against foreign merchantmen on the high seas is said to be permissible as a "necessary act of self-preservation" is misleading, because the perusal of the passage concerned makes it quite clear I think that self-preservation here means preservation from what might be called armed attack, and certainly could not be extended to attempts to defeat the revenue or immigration laws. In fact Oppenheim goes on with a passage which seems to negative this idea, he says - "but if the object of the voyage of the foreign merchantman is merely to take part in an attempt to defeat a prohibition by the laws of the littoral state of the importing of articles considered by it to be noxious, such ~~interceptory~~ action outside the maritime belt, could not, it is believed, in the present state of international law, be strictly justified, though it is arguable that on grounds of international comity it should be condoned."

even in time of peace

International law does permit of the visit and search by warships on the high seas of merchantmen who are not flying any flag, or who are suspected of flying a ~~foreign~~ flag, but I do not think that this principle helps very much in these particular cases. There are also particular international conventions which permit of the exercise of similar jurisdiction on the high seas for such purposes as the suppression of slave trade or of the traffic in arms, etc. There is, however, no general principle of international law which permits under peace time conditions the visit and search of foreign ships on the high seas merely on the ground that they are suspected of being about to commit an offence against the revenue or immigration laws of some state. We have indeed always the ~~exercise~~ of any such jurisdiction, and we have had serious differences of opinion about it with the Americans during the days of prohibition. Eventually the matter was cleared up by the conclusion of a special convention. At present, of course, there still exists a formal state of war, and it might be possible to trump up some plausible pretext on that basis for exercising some sort of right of visit and search over suspicious vessels, though in the absence of any active hostilities anywhere even this would not be easy.

The Foreign Office have a considerable interest in the whole subject, and if H.M. Government are to adopt the line which the C.O. apparently want, it should I think be as the result of careful consideration and not left to

be settled/

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Minutes.

be settled merely on the basis of an interchange of correspondence between the C.O. and the Admiralty.

The foregoing minute has been written to some extent in the dark, as we do not seem to have the memorandum by the Commander-in-Chief, Mediterranean referred to at the beginning of the letter, nor do we really know exactly what is happening about the interception and diversion of these ships.

G.G. Fitzmaurice

G.G. Fitzmaurice.
23rd May 1947.

In Bucket ships etc

↑ Let a sub for a revised
paper by Mr. Mervyn Jones

J. B. M. L.

One of the strange features about this letter is that it shows that foreign vessels carrying illegal immigrants are in fact being seized outside the three mile limit of Palestine, although Ministers of the Cabinet have twice turned down proposals to authorise this, and, what is more, it has apparently been done to such an extent that there is even a question of passing some legislation in Palestine to enable the masters of ships that have been seized in this way to be prosecuted. I do not pretend entirely to understand this.

We must not, however, take the line that these matters are of primary interest to the Admiralty and the Colonial Office, and therefore the Foreign Office have not got to do very much about it. We are advisers to all Departments on questions of international law.

I am afraid that Mr. Mervyn Jones is fully engaged in other urgent work and though this matter will have to be gone into fully from the legal point of view he will not be able to assist substantially. I think the Department should take care to let Mr. Fitzmaurice have some p.p. on this question which will assist him to some extent, in particular the papers prepared when the question of procedure outside territorial waters was first submitted to the Cabinet, where, at any rate, the question mentioned in Y of Mr. Fitzmaurice's minute was gone into to some extent. Further in this connexion, the papers of the Hague Codification Conference (territorial waters) under the heading "Jurisdiction in the Marginal Zone" which I think the Library can easily turn up, will probably lead to the speedy collection of most of the legal material.

With/

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With regard to X in Mr. Fitzmaurice's minute, there is, I think, a simpler and easier way of reaching the same conclusion. Territorial jurisdiction in its strict sense really covers two different types of cases simultaneously, namely: (a) the offender is actually in your territory when he commits the offence: (b) the offender is outside your territory when he commits the offence but his offence takes effect in your territory. Examples of (b) are firing a shot across the frontier and offences committed by letters sent by post. The cases under (b) are fully recognised as part of the territorial jurisdiction and in fact this principle was the real basis of the decision by the Hague Court in the Lotus case when one of the judges of the Court cited with approval an article written in the Year Book in this particular sense in 1925.

ver Brault

3rd June, 1947.

I now attach a draft reply to the Colonial Office letter of Day 1943. The draft is largely based on Dr Fidmann's minuti of 23rd May and has been seen by him.

I have no^t, in the draft, touched on the point made by Dr. Bechell in the first paragraph of his minuti. Perhaps Barlow & Co. will consider whether it is appropriate to add at this date some notes on the point and amend the draft if necessary.

Wm Evans
22/10:

I have added a para. Mr
Evans agreed. JB Oct. 30

9 n P. S. T. G. Gibson. (Customs) 5 m'Beck 11/11

~~S~~ 14/11

J.A.P.B. J.B.B. Doder, (Admty) & Mr. Bent.

M. 0635-147 8/12

fb Dec. 12

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7 a.m
122

ILLEGAL IMMIGRATION INTO PALESTINE

The general principle involved in these papers is that of the freedom of the seas. It is now generally agreed, since this principle became established from about the 17th century onwards, that, although every State has jurisdiction over ships flying its own flag on the high seas, no State has a general right to police the high seas or to exercise jurisdiction thereon as regards other vessels not flying its own flag. There are certain special cases, which are strictly defined, in which a State may exercise a right of this nature; that is to say may seize and bring into port foreign vessels in certain circumstances. These cases are as follows:-

- (1) Blockade and contraband in time of war, and similar belligerent rights: But in this paper the only question is the nature of the rights which exist in time of peace, and these may be defined under the following heads.
- (2) Verification of flag: It is agreed that men-of-war of all nations, in order to maintain the safety of the high seas against piracy, have the power to require suspicious private vessels on the high seas to show their flags. If there is further ground for suspicion, ~~that the flag is not a genuine one~~ ~~or that a ship is sailing under the national flag of the intercepting power without its authority,~~ then the ship itself may be stopped and searched, and if there are ~~prima facie grounds for supposing the vessel is sailing without proper authority,~~ then it may be taken into port and by judicial process condemned as a pirate. *(State of intercepting power)*
- (3) Hot pursuit: Under this doctrine a foreign vessel that has violated the law whilst in the territorial waters of a State may be pursued into the open sea, provided the pursuit is commenced while the vessel is still within the territorial waters or has only just escaped beyond these waters, and the pursuit must stop as soon as the vessel passes into the territorial waters of another State.
- (4) Certain exceptions to the general rule have been created by treaty, such as the North Sea Fisheries Convention of 1882, which gives signatory States rights of search over one another's fishing vessels, and the 19th century treaties dealing with the suppression of the slave trade. In addition, the United States, after introducing Prohibition in 1920, concluded treaties with foreign powers enabling her to exercise jurisdiction over vessels suspected of smuggling liquor into the United States, although such vessels at the time of the search were outside the 3-mile limit.

Brierly, Law of Nations (1928) p.154;
Oppenheim, International Law (6th ed. 1947), I, pp. 266, 450; Hyde, International Law (1945), I, pp. 460, 466; Higgins,

International Law of the Sea (1963), p. 209

Gidd, Droit International Public de la Mer (1932), Vol II, pp. 348-355

(5) Self-defence: In exceptional circumstances a State may stop a vessel outside the territorial waters if such vessel is suspected of carrying arms or ammunition or preparing an expedition against the authority of that State; for instance, in 1873 the Spaniards captured on the high seas an American

vessel/

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vessel VIRGINUS, which was on its way to assist insurgents in Cuba. Such action must, however, be justified under the doctrine of necessity and the danger must be imminent.

- (6) **Contiguous Zone:** There is a doctrine which is not yet established, and which is not accepted by H.M.G. (see below), according to which a State may exercise jurisdiction over an undefined area, understood however to be reasonable in the circumstances, adjacent to but outside its territorial waters. This jurisdiction is limited to certain special cases, even by those who support it. In the case of Croft v. ~~Duffy~~, 1933, Appeal Cases 156, the Privy Council, without committing itself finally on the subject, stated that "whatever be the limits of territorial waters in the international sense, it has long been recognised that for certain purposes, notably those of police, revenue, public health, fisheries, a State may enact laws affecting the seas surrounding its coast to a distance seaward which exceeds the ordinary limits of its territory". The Privy Council referred here to the Judgment of Lord Stowell in Le Louis, 1817....*Dod.Adm.*210, 245, and to the writings of Twiss, Halleck, Hall, Phillimore and Wheaton. However, Professor Brierly has pointed out that these authorities do not support the doctrine. British Yearbook (1933) p.155; and see Oppenheim, Vol. I, p.450, who says such laws are based on comity.

During the proceedings of the Codification Conference at The Hague in 1930, the attitude of various States could be classified under three heads:

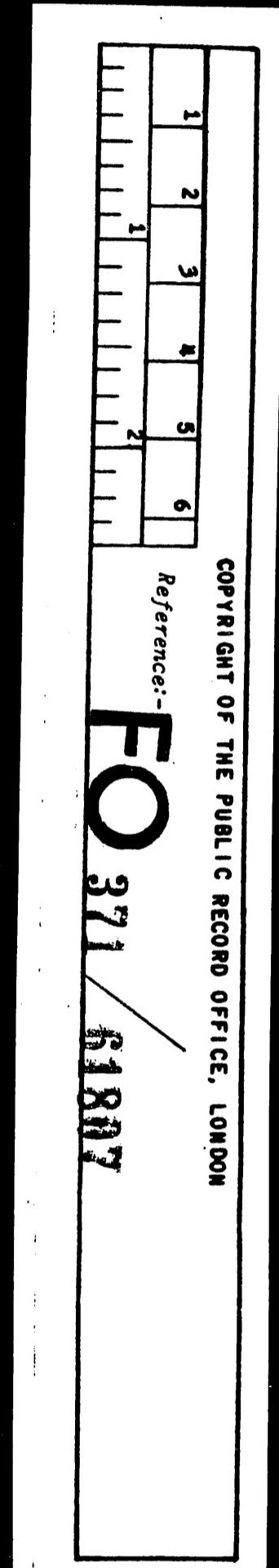
(a) Those who said that there was no jurisdiction outside the 3-mile limit. The States supporting this view were Great Britain, South Africa, Australia, Canada, Germany, India, New Zealand, Norway (except by treaty), Sweden, United States (except for fiscal and customs purposes), Japan and the Netherlands.

(b) Those who accepted the 3-mile limit but with the addition in principle of the contiguous zone (meaning that they either recognised it under existing law or were prepared to accept it for the future in a convention). Those States were Belgium, Egypt (for Customs purposes), Estonia, France, Italy (special rights up to 12 miles) and Poland. In each case, however, the existence of such a zone was recognised only for certain purposes - customs, police, etc.

(c) Those States who, whether or not there was a contiguous zone, considered that the 3-mile limit was inadequate. It is not necessary to enumerate those States as their attitude has no interest in the present connection.

Broadly speaking it may be said that those States which supported the 3-mile limit were not prepared to recognise even in principle the contiguous zone. Their attitude was that the recognition of such zone would merely mean a further extension of sovereignty outside the territorial waters, so that, in effect, there would be no distinction between a contiguous zone and territorial waters in the normal sense. In spite of British opposition there was some support for the doctrine of the contiguous zone. If, however, an attempt were made in connection with the present subject of illegal immigration into Palestine to assert the contiguous zone as a basis for the exercise of jurisdiction that would be a new departure from the

attitude/



attitude publicly taken by Great Britain in 1930. (In any case it is doubtful whether this doctrine gives any different rights from those possessed apart from it.) On that occasion the British Government was asked to reply to a questionnaire in which States were asked to answer, inter alia, the following questions: (League of Nations Publications, C.74, M.39, 1929, V, p.22, Vol. 2, of the Bases of Discussion)

"III (c). Does the State claim to exercise rights outside the territorial waters subject to its sovereignty? If so, what precisely are those rights? On what are they founded? Are they claimed within the belt of fixed breadth or within an indeterminate area of the waters adjacent to the coast, but outside the territorial waters?

(d) Does the State admit any claim by any foreign State to exercise such rights outside the territorial waters subject to the sovereignty of the latter State?"

Great Britain replied as follows:-

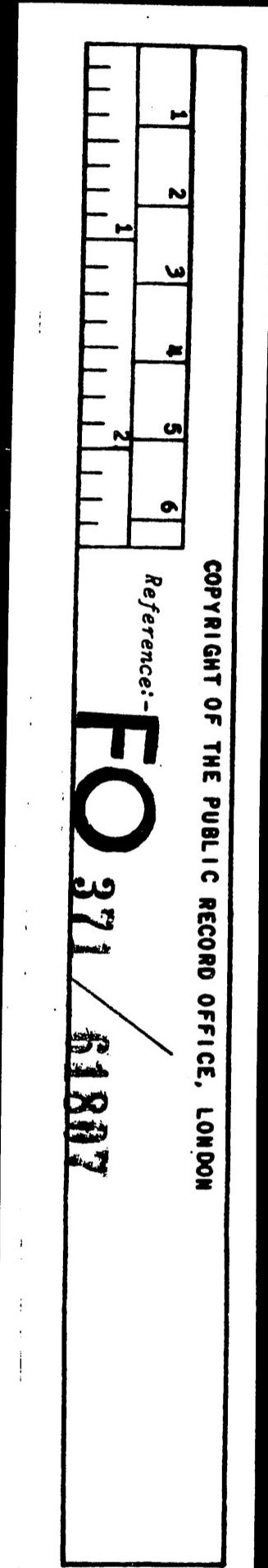
ibid. p.28

" No claim is made by H.M. Government in Great Britain to exercise rights over the high seas outside the belt of the territorial waters. There are certain banks outside the 3-mile limit off the coasts of various dependencies on which sedentary fisheries of oysters, pearl oysters, chanks or pêches de mer on the sea bottom are practised, and which have by long usage come to be regarded as the subject of occupation and property. The foregoing answer is not intended to exclude claims to the sedentary fisheries on these banks. The question is understood to relate only to claims to exercise rights over the waters of the high seas.

(d) Claims by foreign States to exercise rights of jurisdiction or control over the waters of the high seas adjacent to the belt of territorial waters of these States have never been admitted, and have always been objected to by H.M. Government in Great Britain. H.M. Government admit that the speed of modern vessels and aircraft and the immense range and power of modern implements of warfare may render a belt of three miles insufficient to prevent injurious consequences resulting in the national territory from acts which have taken place on the high seas, but this affords no sufficient argument for a change in the 3-mile limit. To ensure that no injurious consequences should result within national territory from an act which has taken place on the high seas, it would be necessary to establish a belt so wide as to constitute a serious encroachment on the high seas. "

The British Government then went on to say that, although circumstances might arise under which owing to peculiar local circumstances the absence of jurisdiction over foreign vessels on the high seas immediately contiguous to its territorial waters might prejudice its interests, it was the duty of the State, in such circumstances, to make suitable agreements with other States. In other words the power to exercise jurisdiction over the contiguous zone could only be defended on the basis of a treaty to that

effect/



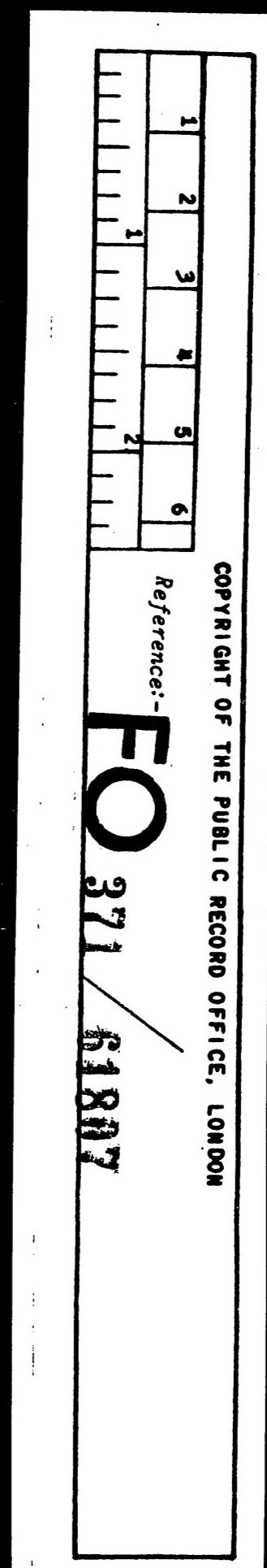
effect.

uniform

It is stated in Professor Smith's "Great Britain and the Law of Nations", Vol. 2 (1935), p.143, that the attitude taken up by the British Government in 1930 could be regarded still in 1935 as an accurate statement of the Foreign Office position, but he observes that the British reply creates a misleading impression of the historical development, in so far as it suggests that this position has been ~~unanimously~~ maintained in the past. For instance, in the series of statutes known as the Hovering Acts, Great Britain in fact purported to exercise jurisdiction for customs purposes for a distance considerably greater than the 3-mile limit, and during the 19th century these statutes considerably embarrassed this country in the efforts it was then making to obtain a general recognition of the 3-mile rule. It is certain, however, from the diplomatic correspondence analysed by Professor Smith, and reproduced in his book, that it became the policy of the British Government from the 19th century onwards to insist upon the line which it ultimately took at The Hague in 1930. As to the Hovering Acts, which had extended jurisdiction as far as 100 leagues in certain cases, they were repealed in 1876 by the Customs Consolidation Act. By Section 134 of this Act the distance for visiting foreign vessels after clearance outwards, for the purpose of demanding the ship's clearance, is reduced from 4 leagues, as provided in the old Act, to one league or to the limits of any port. Section 179 provides for the detention and punishment of British subjects within three leagues and foreigners within one league of the coast when found or discovered to have been on board any ship or boat liable to forfeiture under Section 179. This section relates primarily to jurisdiction over the person, but not the vessel. Section 180 provides for the forfeiture of any ship or boat, belonging in part or in whole to British subjects, or wherever one half of the persons on board are such subjects, which will not bring to when the signal is given, etc. This does not apply in express terms either to British or non-British ships, although obviously the vessels must in some cases be foreign and there is no defined area of the high seas within which the signal to bring to may be given, but it may be implied that the signal must be given within territorial waters and that the chase may then be continued on the principle of hot pursuit. It does not seem that this Act, limited in any case in its application to customs matters, is inconsistent with the line taken up by Great Britain in 1930. The suggestion contained in paragraph 8 of the Colonial Office letter of May, 1947, in E4219/48/31 that such legislation might form a precedent in present circumstances is obviously entirely misconceived.

It is true that the British view is not shared by all countries as will be seen from the account given above of the proceedings of the Hague Codification Conference. In fact many of the States at that conference who expressed a definite opinion on the subject were either in favour of providing for such zone in principle, or actually recognised it as part of existing law; but even so there was no agreement amongst those States who supported the doctrine as to the circumstances in which jurisdiction should in fact be exercised even supposing the zone to exist. There was practical unanimity amongst those States which supported the doctrine that financial and customs interests should be included, and also public health, but beyond this it is difficult to assert that there

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was any general agreement. The draft Convention, drawn up by the Committee of Experts, contained in Article 2 the following provision:-

" The zone of the coastal sea shall extend for three marine miles (60 to the degree of latitude) from low water mark along the whole of the coast; beyond the zone of sovereignty States may exercise administrative rights on the ground either of customs or vital necessity. There are included the rights of jurisdiction necessary for their protection!"

It must be admitted that the language of this provision (which was in any case only a draft) is very general, and the reaction of the States represented at the Conference has already been sufficiently indicated. There is another aspect of the subject which perhaps requires brief mention. The action of the authorities in escorting vessels out of Palestine territorial waters may either be regarded as expulsion of aliens or what Oppenheim (Vol.I, p.634) calls reconduction (*droit de renvoi*). There is no doubt that a State has the right to expel at any moment an alien who has entered its territory and to take such forcible measures as may be necessary to that end. Normally this would involve taking the alien to the frontier but whereas, in the present circumstances, this is not feasible it seems we have really a case of reconduction. The home State of such aliens is under a duty to receive them back (Oppenheim, Vol. I, p.634).

J. Meany Jones,
September 27, 1947

J. G. S. Beith, Esq.
Foreign Office

E 4219 127

20 MAY
With the compliments of

the Under Secretary of State
for the Colonies.

Colonial Office,
Downing Street,
16th May, 1947.

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Downing Street,
S.W.1.

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May, 1947.

76021/47

SECRET

Admiralty ref: M.0635/47

My dear Dodds,

The memorandum by Commander-in-Chief Mediterranean which you sent for our comments on the 14th April has been discussed with the Colonial Office Legal Advisers and the Palestine Attorney-General. I understand that the question was also discussed by the Commander-in-Chief with Sir Alan Cunningham at their recent meeting.

2. In the first place, so far as we are aware, the Palestine Government has not stopped taking proceedings for forfeiture of ships. A test case (the ASYA) of a ship intercepted outside territorial waters is to come before the Privy Council, but no date has yet been fixed for the hearing.

3. Proceedings for forfeiture are taken without naval witnesses, but the Attorney-General makes a formal admission in each case that seizure has taken place outside the three mile limit, without specifying the exact position.

4. We are somewhat doubtful of the possibility of making a practical distinction between boarding and seizing that could be applied to other than a few exceptional cases. The object of boarding is presumably to lead to seizure with the least possible delay and we imagine it could only rarely happen that boarding would take place a few miles outside territorial/

G.C.B. DODDS, ESQ.

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territorial waters, the ship remain under the control of the master until the 3 mile limit, and then seizure take place. Palestine's difficulty is in punishing an act of the master and crew outside the 3 mile limit, the Attorney-General having considered it impossible to prosecute a master who was not in effective control of his ship on entering territorial waters. Whether they can continue to forfeit the ships, the decision in this appeal to the Privy Council will show.

5. We think it is most desirable that Palestine should have power to prosecute masters and crews and that this would have a powerful deterrent effect, since sentences of up to 8 years imprisonment can be imposed. It is also desirable to remove any doubt about the powers of the Palestine Courts to order the forfeiture of ships seized outside the 3 mile limit.

6. Before we investigate further the legal position we should like to know whether, if we had some legislation that would authorise the prosecution of masters and crew for attempting to bring illegal immigrants to Palestine even though the attempt terminated (by reason of seizure) outside territorial waters the Admiralty would be prepared to continue the present practice whereby His Majesty's ships do in fact board and seize vessels outside the three mile limit. The legislation might, in order to meet criticism, have to be limited to seizure within, say, 12 miles of the coast, though such a limitation would necessitate proof of the place of seizure, which presumably the Admiralty would prefer to avoid.

7. In this connection it is necessary to bear in mind that there are two distinct points involved: (1) the municipal law of Palestine and (2) the extent of territorial waters in International Law. If the Law of Palestine authorised the punishment of offences committed/

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committed outside the 3 mile limit (for which purpose an Act of Parliament would probably be required) we should not be purporting to extend the territorial waters. We should, however, be claiming to exercise powers outside their limits and this we gather might be open to objection by the Admiralty. As you are no doubt aware, however, there are precedents in customs laws of certain countries for exercising control outside the accepted 3 mile belt.

8. I gather from a telephone conversation with Gibson (Customs) that United Kingdom powers are probably confined to those in the Customs Laws Consolidation Act (39 and 40 Vict. Ch.36) section 179 of which provides for the forfeiture of ships and the prosecution of masters engaged in smuggling even though they are discovered up to 9 miles out to sea. The section is difficult to construe; so far as it applies outside the 3 mile limit it clearly applies, at least to a large extent, only to ships owned by British subjects or having half the persons on board British subjects, and to British subjects. The old Hovering Acts (see in particular 24 Geo. III Ch.47 section 1) gave power to proceed against any ship found "hovering" within 4 leagues of shore but these acts have now been repealed. I do not know whether the enactments mentioned above would serve as precedents.

9. I would invite your attention to Paragraph 190 of Oppenheim, Vol. I, 5th Edition, where he states that Great Britain and the United States possess revenue and sanitary laws which impose certain dues not only on their own but also on such foreign vessels bound for one of their ports as are approaching, but not yet within, their territorial waters, and he suggests that a customary law may be said to exist which allows littoral states to enact such laws. I believe that our own legislation does not/

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not permit the use of force outside territorial waters, but Oppenheim admits the use of force against a foreign merchantman in the case of a "necessary act of self-preservation" and suggests that where the object of the foreign merchantman is merely to defeat revenue etc. laws it is arguable that the use of force should be considered on grounds of International Comity. It would, we feel, not be difficult to argue that the stopping of illegal immigrant ships as far outside territorial waters as is necessary to prevent their beaching would be a "necessary act of self-preservation".

10. We should be grateful for your views and for those of Beith (Foreign Office) and Gibson (Customs) to whom I am sending copies of this letter.

Yours sincerely,

(sgd.) J. D. Higham

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No. E4219/48/31

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J.D. Higham, Esq.
Colonial Office,
S.W.1.

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Mr. Mervyn Jones
Memorandum.

Copies to:
G.C.B. Dodds, Esq.
(Admiralty);
Gibson (Customs).

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4400 Wt. 48088/143 (2) 75m. 3/47 (5) F&S.

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FOREIGN OFFICE, S.W.1.

3am

4am

October, 1947.

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Dear Higham,

In your letter, reference 76021/47, of May, 1947, to Dodds, you invited the views of the Foreign Office concerning the enactment of legislation for Palestine enabling the prosecution of masters and crews of illegal immigrant ships seized outside territorial waters and removing any doubt about the powers of the Palestine Courts to order the forfeiture of such ships seized outside the three-mile limit. Our Legal Advisers have now gone fully into the matters raised in your letter and our views are as follows.

In the first place we consider that in our natural desire to take every step possible to prevent illegal immigration into Palestine, we must be careful not to create precedents or base ourselves upon doctrines which run counter to the general principles regarding maritime jurisdiction which we normally support, and which might prove embarrassing in other connexions. From this point of view the two concluding paragraphs of your letter cause us a good deal of uneasiness.

The main point so far as the Foreign Office are concerned is that of stopping and boarding foreign ships outside the three mile limit, and subsequently escorting them in to a British port. This must be carefully distinguished from the exercise of jurisdiction over such ships, or over their master or

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Reference:- FO 371/51807

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passengers on board them, when those ships or persons in fact come within British territorial jurisdiction. There is not much real difficulty so far as international law is concerned in the exercise of jurisdiction of the latter type. It is true that English law basically adopts the territorial principle of jurisdiction, so that with certain exceptions and apart from special legislation, jurisdiction is normally only exercised in respect of offences committed within the jurisdiction. Certain offences committed outside the jurisdiction by British subjects have, however, always been justiciable in a British Court, and there is nothing to prevent these types of offences being added to by legislation.

The position is not quite so clear as regards the exercise of jurisdiction over foreigners in respect of offences committed by them outside the jurisdiction. In general, English law does not admit that any jurisdiction exists in such cases. Legislation would of course be necessary to enable our courts to exercise it, and the passing of such legislation would, so far as we are aware, be a novelty. On the other hand, a considerable number of other countries do purport to exercise jurisdiction over foreigners in respect of offences committed abroad where those offences come within the category of offences against the safety of the state concerned or its economy. So that purely from the point of view of international practice, there would not be any radical objection to our exercising jurisdiction over foreigners in respect of things done by them outside our jurisdiction, and the case of organised attempts to defeat the immigration laws would certainly constitute

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a proper category of case in which to exercise
this kind of jurisdiction.

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The exercise of all such jurisdiction, however, presupposes that the vessel or person concerned is within the jurisdiction at the time when the proceedings are brought, and our Legal Advisers think there is also an implication that the vessel or person should have entered the jurisdiction voluntarily and not as a result of an act of force. A wholly different issue arises when it is proposed to stop foreign ships on the high seas and bring them in under escort for the purpose of exercising such jurisdiction, and we do not like the idea of trying to justify this under any recognised principle of international law. We do not think the cases quoted in paragraphs 8 and 9 of your letter form a good precedent. For instance, Section 179 of the Customs Consolidation Act of 1876 is careful to limit the exercise of jurisdiction over foreigners to acts committed within the three mile limit, and even in so far as it might indirectly result in the exercise of jurisdiction over foreigners or foreign ships in respect of things done outside the three mile limit, it does not in any way authorise action against the vessel outside that limit for the purpose of bringing her within the jurisdiction. In fact jurisdiction under this Section can only be exercised against a foreigner or foreign ship which enters, or is found, within the jurisdiction.

As regards the revenue and sanitary laws referred to in paragraph 9 of your letter, we should say that these were merely cases of certain duties imposed upon vessels coming to

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Reference:-
FO 371 / 31807

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our ports, and which those vessels have to carry out before they reach the three mile limit, as a condition of being allowed to enter our ports, land their passengers, discharge their cargoes, etc. This is, of course, quite legitimate. It is not strictly speaking imposing duties or exercising jurisdiction over those ships outside the three mile limit at all. It is merely saying that a ship which does not conform to certain conditions and has not carried out, say certain precautionary measures, while she was still at a certain distance from our shores, shall not be permitted to come to our ports, etc.

Again the reference to the passage in Oppenheim in which the use of force against foreign merchantmen on the high seas is said to be permissible as a "necessary act of self-preservation" is misleading, because the perusal of the passage concerned makes it quite clear, we think, that self-preservation here means preservation from what might be called armed attack, and certainly could not be extended to attempts to defeat the revenue or immigration laws. In fact Oppenheim goes on with a passage which seems to negative this idea, he says - "but if the object of the voyage of the foreign merchantman is merely to take part in an attempt to defeat a prohibition by the laws of the littoral state of the importing of articles considered by it to be noxious, such anticipatory action outside the maritime belt, could not, it is believed, in the present state of international law, be strictly justified, though it is arguable that on grounds of international comity it should be condoned".

Mr. Mervyn Jones/

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Reference:

FO 371/64807

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Mr. Mervyn Jones, the Legal Member of the Foreign Office Research Department, has prepared a memorandum, a copy of which is enclosed, on the right of a State to exercise jurisdiction on the high seas as regards vessels not flying its own flag. From this memorandum it would appear, and our Legal Advisers are firmly of the opinion, that there is no general principle of international law which permits under peace time conditions the visit and search or arrest of foreign ships on the high seas merely on the ground that they are suspected of being about to commit an offence against the revenue or immigration laws of some State. We have indeed always denied the existence of any such jurisdiction and we had serious differences of opinion with the Americans during the days of prohibition. Eventually the matter was cleared up by the conclusion of a special convention.

We therefore are of the opinion that the enactment of legislation such as is suggested in your letter under reference could not, in so far as it contemplates the seizure outside the three mile limit of ships suspected of carrying illegal immigrants to Palestine, be justified under international law, but would be contrary to the view which the United Kingdom has long maintained concerning the exercise of jurisdiction over foreign vessels on the high seas.

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[Redacted]

One last point. When minuting the papers on June 3rd. the Chief Legal Adviser pointed out that one of the strange

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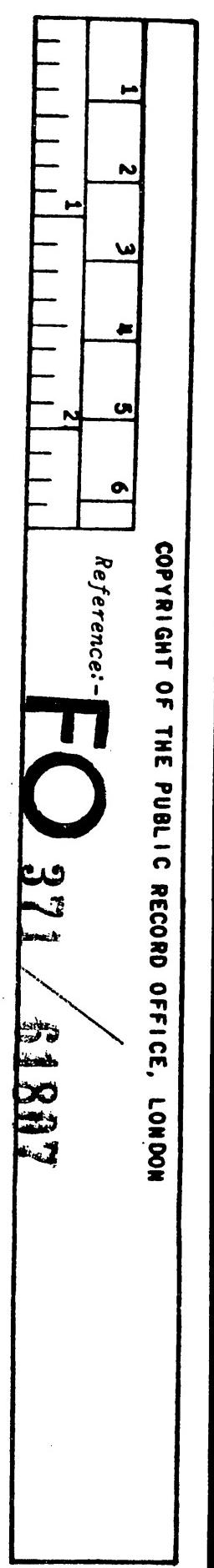
strange features about your letter was that it showed that foreign vessels carrying illegal immigrants were in fact being seized outside the three mile limit of Palestine although Ministers have twice turned down proposals to authorise such action. We realise the impossibility of stopping the faster ships by action within territorial waters only and it is fortunately the case that we have encountered no protests on this score so far. Nevertheless all this adds an element of inconsistency to the proposal under discussion.

I am sending copies of this letter to
Dodds (Admiralty) and Gibson (Customs).

JB Oct. 30

J. G. S. Deith.

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OUT FILE

FOREIGN OFFICE, S.M.1.

(S 4219/48/31)

7th November, 1947.

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CONFIDENTIAL

John

Dear Higham,

In your letter, reference 76021/47, of May 1947, to Dodds, you invited the views of the Foreign Office concerning the enactment of legislation for Palestine enabling the prosecution of masters and crews of illegal immigrant ships seized outside territorial waters and removing any doubt about the powers of the Palestine Courts to order the forfeiture of such ships seized outside the three-mile limit. Our Legal Advisers have now gone fully into the matters raised in your letter and our views are as follows.

In the first place we consider that in our natural desire to take every step possible to prevent illegal immigration into Palestine, we must be careful not to create precedents or base ourselves upon doctrines which run counter to the general principles regarding maritime jurisdiction which we normally support, and which might prove embarrassing in other connexions. From this point of view the two concluding paragraphs of your letter cause us a good deal of uneasiness.

The main point so far as the Foreign Office are concerned is that of stopping and boarding foreign ships outside the three mile limit, and subsequently escorting them into a British port. This must be

carefully/

J.D. Higham, Esq.,
Colonial Office,
S.M.1.

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carefully distinguished from the exercise of jurisdiction over such ships, or over their master or passengers on board them, when those ships or persons in fact come within British territorial jurisdiction. There is not much real difficulty so far as international law is concerned in the exercise of jurisdiction of the latter type. It is true that English law basically adopts the territorial principle of jurisdiction, so that with certain exceptions and apart from special legislation, jurisdiction is normally only exercised in respect of offences committed within the jurisdiction. Certain offences committed outside the jurisdiction by British subjects have, however, always been justiciable in a British Court, and there is nothing to prevent these types of offences being added to by legislation.

The position is not quite so clear as regards the exercise of jurisdiction over foreigners in respect of offences committed by them outside the jurisdiction. In general, English law does not admit that any jurisdiction exists in such cases. Legislation would of course be necessary to enable our courts to exercise it, and the passing of such legislation would, so far as we are aware, be a novelty. On the other hand, a considerable number of other

countries/

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Countries do purport to exercise jurisdiction over foreigners in respect of offences committed abroad where those offences come within the category of offences against the safety of the state concerned or its economy. So that purely from the point of view of international practice, there would not be any radical objection to our exercising jurisdiction over foreigners in respect of things done by them outside our jurisdiction, and the case of organised attempts to defeat the immigration laws would certainly constitute a proper category of case in which to exercise this kind of jurisdiction.

The exercise of all such jurisdiction, however, presupposes that the vessel or person concerned is within the jurisdiction at the time when the proceedings are brought, and in the view of our Legal Advisers there is also an implication that the vessel or person should have entered the jurisdiction voluntarily and not as a result of an act of force. A wholly different issue arises when it is proposed to stop foreign ships on the high seas and bring them in under escort for the purpose of exercising such jurisdiction, and we do not like the idea of trying to justify this under any recognised principle of International law. We do not think the cases quoted in paragraphs 6 and 9 of your letter form a good precedent. For instance, Section 179 of the Customs Consolidation Act of 1876 is careful to limit the exercise of jurisdiction over foreigners to acts committed within the three mile limit, and even in so far as it might indirectly result in the exercise of jurisdiction over foreigners or foreign ships in respect of things done outside the three mile limit, it does not in any way authorise action against the vessel outside that limit for the purpose of bringing her within the jurisdiction. In fact jurisdiction under this section can only be exercised against a foreigner or foreign ship which enters, or is found, within the jurisdiction.

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As regards the revenue and sanitary laws referred to in paragraph 9 of your letter, we should say that those were merely cases of certain duties imposed upon vessels coming to our ports, and which those vessels have to carry out before they reach the three mile limit, as a condition of being allowed to enter our ports, land their passengers, discharge their cargoes, etc. This is, of course, quite legitimate. It is not strictly speaking imposing duties or exercising jurisdiction over those ships outside the three mile limit at all. It is merely saying that a ship which does not conform to certain conditions and has not carried out, say certain precautionary measures, while she was still at a certain distance from our shores, shall not be permitted to come to our ports, etc.

Again the reference to the passage in Oppenheim in which the use of force against foreign merchantmen on the high seas is said to be permissible as a "necessary act of self-preservation" is misleading, because the perusal of the passage concerned makes it quite clear, we think, that self-preservation here means preservation from what might be called armed attack, and certainly could not be extended to attempts to defeat the revenue or immigration laws. In fact Oppenheim goes on with a passage which seems to negative this idea, he says - "but if the object of the voyage of the foreign merchantman is merely to take part in an attempt to defeat a prohibition by the law of the littoral state of the importing of articles considered by it to be noxious, such anticipatory action outside the maritime belt, could not, it is believed, in the present state of International law, be strictly justified, though it is arguable that on grounds of International comity it should be condoned".

Mr. Mervyn Jones, the Legal Member of the Foreign Office Research Department, has prepared a memorandum, a copy of which is enclosed, on the right of a State to

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exercise jurisdiction on the high seas as regards vessels not flying its own flag. From this memorandum it would appear - and our legal advisers are firmly of the opinion - that there is no general principle of international law which permits under peace time conditions the visit and search or arrest of foreign ships on the high seas merely on the ground that they are suspected of being about to commit an offence against the revenue or immigration laws of some State. We have indeed always denied the existence of any such jurisdiction and we had serious differences of opinion with the Americans during the days of prohibition. Eventually the matter was cleared up by the conclusion of a special convention.

We therefore are of the opinion that the enactment of legislation such as is suggested in your letter under reference could not, in so far as it contemplates the seizure outside the three mile limit of ships suspected of carrying illegal immigrants to Palestine, be justified under international law, but would be contrary to the view which the United Kingdom has long maintained concerning the exercise of jurisdiction over foreign vessels on the high seas.

One last point. When minuting the papers on June 3rd the Chief Legal Adviser pointed out that one of the strange features about your letter was that it showed that foreign vessels carrying illegal immigrants were in fact being seized outside the three mile limit of Palestine although Ministers have twice turned down proposals to authorize such action. He realizes the impossibility of stopping the faster ships by action within territorial

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waters only and it is fortunately the case that we have encountered no protests on this score so far. Nevertheless all this adds an element of inconsistency to the proposal under discussion.

I am sending copies of this letter to Dodds (Admiralty) and Gibson (Customs).

Yours sincerely

(Sqd.) John Beith.

(J.O.S. Beith)

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ILLEGAL IMMIGRATION INTO PALESTINE

144

The general principle involved in these papers is that of the freedom of the seas. It is now generally agreed, since this principle became established from about the 17th century onwards, that, although every State has jurisdiction over ships flying its own flag on the high seas, no State has a general right to police the high seas or to exercise jurisdiction thereon as regards other vessels not flying its own flag. There are certain special cases, which are strictly defined, in which a State may exercise a right of this nature; that is to say may seize and bring into port foreign vessels in certain circumstances. These cases are as follows:-

- (1) Blockade and contraband in time of war, and similar belligerent rights: But in this paper the only question is the nature of the rights which exist in time of peace, and these may be defined under the following heads.
- (2) Verification of flag: It is agreed that men-of-war of all nations, in order to maintain the safety of the high seas against piracy, have the power to require suspicious private vessels on the high seas to show their flags. If there is further ground for suspicion, that the vessel is a pirate or that it is sailing under the national flag of the intercepting power without its authority, then the ship itself may be stopped and searched, and if there are prima facie grounds for supposing the vessel is a pirate or is sailing under the flag of the intercepting State without proper authority, then it may be taken into port and by judicial process dealt with according to the law of the intercepting State.
- (3) Hot pursuit: Under this doctrine a foreign vessel that has violated the law whilst in the territorial waters of a State may be pursued into the open sea, provided the pursuit is commenced while the vessel is still within the territorial waters or has only just escaped beyond these waters, and the pursuit must stop as soon as the vessel passes into the territorial waters of another State.
- (4) Certain exceptions to the general rule have been created by treaty, such as the North Sea Fisheries Convention of 1882, which gives signatory States rights of search over one another's fishing vessels, and the 19th century treaties dealing with the suppression of the slave trade. In addition, the United States, after introducing Prohibition in 1920, concluded treaties with foreign powers enabling her to exercise jurisdiction over vessels suspected of smuggling liquor into the United States, although such vessels at the time of the search were outside the 3-mile limit.

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Brierly, Law of Nations (1928) I
Oppenheim, International Law (6th edn 1947), I, pp. 204-5;
Hyde, International Law (1945), I, pp. 430-1;
Higgins, International Law of the Sea (1948), p. 209;
International Law de la Mer (1932), Vol. I, p.p. 348-55.

Brierly, Law of Nations (1928) p.154; Oppenheim, International Law (6th ed. 1947), I, pp. 266, 450; Hyde, International Law (1945, I, pp. 450, 466; Higgins, International Law of the Sea (1943), p.209; International Public de la Mer (1932), Vol.I, p.p. 348 - 355.

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- (5) Self-defence: In exceptional circumstances a State may stop a vessel outside the territorial waters if such vessel is suspected of carrying arms or ammunition or preparing an expedition against the authority of that State; for instance, in 1873 the Spaniards captured on the high seas an American vessel VIRGINUS, which was on its way to assist insurgents in Cuba. Such action must, however, be justified under the doctrine of necessity and the danger must be imminent.
- (6) Contiguous Zone: There is a doctrine which is not yet established, and which is not accepted by H.M.G. (see below), according to which a State may exercise jurisdiction over an undefined area, understood however to be reasonable in the circumstances, adjacent to but outside its territorial waters. This jurisdiction is limited to certain special cases, even by those who support it. In the case of Croft v. Dunphy, 1933, Appeal Cases 156, the Privy Council, without committing itself finally on the subject, stated that "whatever be the limits of territorial waters in the international sense, it has long been recognised that for certain purposes, notably those of police, revenue, public health, fisheries, a State may enact laws affecting the seas surrounding its coasts to a distance seaward which exceeds the ordinary limits of its territory". The Privy Council referred here to the Judgment of Lord Stowell in Le Louis, 1817....*Dod. Adm. 210, 245*, and to the writings of Twiss, Halleck, Hall, Phillimore and Wheaton. However, Professor Brierly has pointed out that these authorities do not support the doctrine. British Yearbook (1933) p.155; and see Oppenheim, Vol. I, p.450, who says such laws are based on comity.

During the proceedings of the Codification Conference at The Hague in 1930, the attitude of various States could be classified under three heads:

- (a) Those who said that there was no jurisdiction outside the 3-mile limit. The States supporting this view were Great Britain, South Africa, Australia, Canada, Germany, India, New Zealand, Norway (except by treaty), Sweden, United States (except for fiscal and customs purposes), Japan and the Netherlands.
- (b) Those who accepted the 3-mile limit but with the addition in principle of the contiguous zone (meaning that they either recognised it under existing law or were prepared to accept it for the future in a convention). Those States were Belgium, Egypt (for Customs purposes), Estonia, France, Italy (special rights up to 12 miles) and Poland. In each case however, the existence of such a zone was recognised only for certain purposes - customs, police, etc.
- (c) Those States who, whether or not there was a contiguous zone, considered that the 3-mile limit was inadequate. It is not necessary to enumerate those States as their attitude has no interest in the present connection.

/ Broadly

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Reference:- FO 371 / 61847

ibid. p.2

146

Broadly speaking it may be said that those States which supported the 3-mile limit were not prepared to recognise even in principle the contiguous zone. Their attitude was that the recognition of such zone would merely mean a further extension of sovereignty outside the territorial waters, so that, in effect, there would be no distinction between a contiguous zone and territorial waters in the normal sense. In spite of British opposition there was some support for the doctrine of the contiguous zone. If, however, an attempt were made in connection with the present subject of illegal immigration into Palestine to assert the contiguous zone as a basis for the exercise of jurisdiction that would be a new departure from the attitude publicly taken by Great Britain in 1930. (In any case it is doubtful whether this doctrine gives any different rights from those possessed apart from it). On that occasion the British Government was asked to reply to a questionnaire in which States were asked to answer, inter alia, the following questions: (League of Nations Publications, C.74, M.39, 1929, V, p.22, Vol. 2, of the Bases of Discussion)

"III (c). Does the State claim to exercise rights outside the territorial waters subject to its sovereignty? If so, what precisely are those rights? On what are they founded? Are they claimed within the belt of fixed breadth or within an indeterminate area of the waters adjacent to the coast, but outside the territorial waters?

(d) Does the State admit any claim by any foreign State to exercise such rights outside the territorial waters subject to the sovereignty of the latter State?"

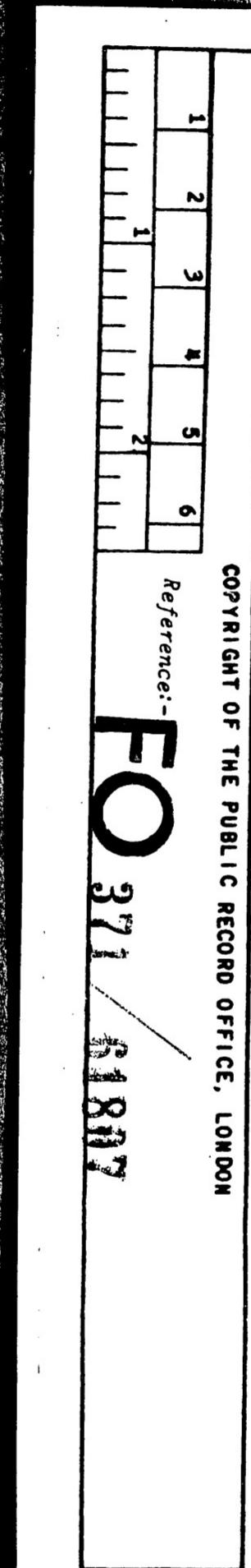
Great Britain replied as follows:-

ibid. p.28

" No claim is made by H.M. Government in Great Britain to exercise rights over the high seas outside the belt of the territorial waters. There are certain banks outside the 3-mile limit off the coasts of various dependencies on which sedentary fisheries of oysters, pearl oysters, chanks or peches de mer on the sea bottom are practised, and which have by long usage come to be regarded as the subject of occupation and property. The foregoing answer is not intended to exclude claims to the sedentary fisheries on these banks. The question is understood to relate only to claims to exercise rights over the waters of the high seas.

(d) Claims by foreign States to exercise rights of jurisdiction or control over the waters of the high seas adjacent to the belt of territorial waters of these States have never been admitted, and have always been objected to by H.M. Government in Great Britain. H.M. Government admit that the speed of modern vessels and aircraft and the immense range and power of modern implements of warfare may render a belt of three miles insufficient to

/ prevent



prevent injurious consequences resulting in the national territory from acts which have taken place on the high seas, but this affords no sufficient argument for a change in the 3-mile limit. To ensure that no injurious consequences should result within national territory from an act which has taken place on the high seas, it would be necessary to establish a belt so wide as to constitute a serious encroachment on the high seas."

The British Government then went on to say that, although circumstances might arise under which owing to peculiar local circumstances the absence of jurisdiction over foreign vessels on the high seas immediately contiguous to its territorial waters might prejudice its interests, it was the duty of the State, in such circumstances, to make suitable agreements with other States. In other words the power to exercise jurisdiction over the contiguous zone could only be defended on the basis of a treaty to that effect.

It is stated in Professor Smith's "Great Britain and the Law of Nations", Vol. 2 (1935), p.143, that the attitude taken up by the British Government in 1930 could be regarded still in 1935 as an accurate statement of the Foreign Office position, but he observes that the British reply creates a misleading impression of the historical development, in so far as it suggests that this position has been uniformly maintained in the past. For instance, in the series of statutes known as the Hovering Acts, Great Britain in fact purported to exercise jurisdiction for customs purposes for a distance considerably greater than the 3-mile limit, and during the 19th century these statutes considerably embarrassed this country in the efforts it was then making to obtain a general recognition of the 3-mile rule. It is certain, however, from the diplomatic correspondence analysed by Professor Smith, and reproduced in his book, that it became the policy of the British Government from the 19th century onwards to insist upon the line which it ultimately took at The Hague in 1930. As to the Hovering Acts, which had extended jurisdiction as far as 100 leagues in certain cases, they were repealed in 1876 by the Customs Consolidation Act. By Section 134 of this Act the distance for visiting foreign vessels after clearance outwards, for the purpose of demanding the ship's clearance, is reduced from 4 leagues, as provided in the old Act, to one league or to the limits of any port. Section 179 provides for the detention and punishment of British subjects within three leagues and foreigners within one league of the coast when found or discovered to have been on board any ship or boat liable to forfeiture under Section 179. This section relates primarily to jurisdiction over the person, but not the vessel. Section 180 provides for the forfeiture of any ship or boat, belonging in part or in whole to British subjects, or wherever one half of the persons on board are such subjects, which will not bring to when the signal is given, etc. This does not apply in express terms either to British or non-British ships, although obviously the vessels must in some cases be foreign and there is no defined area of the high seas within which the signal to bring to may be given, but it may be implied that the signal must be given within territorial waters and that the chase may then be continued on the principle of hot pursuit. It does not seem that this Act, limited in any case in its application to customs matters, is inconsistent

/ with

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Reference:-

FO
371 / 61837

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with the line taken up by Great Britain in 1930. The suggestion contained in paragraph 8 of the Colonial Office letter of May, 1947, in E4219/48/31 that such legislation might form a precedent in present circumstances is obviously entirely misconceived.

It is true that the British view is not shared by all countries as will be seen from the account given above of the proceedings of the Hague Codification Conference. In fact many of the States at that conference who expressed a definite opinion on the subject were either in favour of providing for such zone in principle, or actually recognised it as part of existing law; but even so there was no agreement amongst those States who supported the doctrine as to the circumstances in which jurisdiction should in fact be exercised even supposing the zone to exist. There was practical unanimity amongst those States which supported the doctrine that financial and customs interests should be included, and also public health, but beyond this it is difficult to assert that there was any general agreement. The draft Convention, drawn up by the Committee of Experts, contained in Article 2 the following provisions:-

"The zone of the coastal sea shall extend for three marine miles (60 to the degree of latitude) from low water mark along the whole of the coast; beyond the zone of sovereignty States may exercise administrative rights on the ground either of customs or vital necessity. There are included the rights of jurisdiction necessary for their protection".

It must be admitted that the language of this provision (which was in any case only a draft) is very general, and the reaction of the States represented at the Conference has already been sufficiently indicated. There is another aspect of the subject which perhaps requires brief mention. The action of the authorities in escorting vessels out of Palestine territorial waters may either be regarded as expulsion of aliens or what Oppenheim (Vol.I, p.634) calls reconduction (*droit de renvoi*). There is no doubt that a State has the right to expel at any moment an alien who has entered its territory and to take such forcible measures as may be necessary to that end. Normally this would involve taking the alien to the frontier but whereas, in the present circumstances, this is not feasible it seems we have really a case of reconduction. The home State of such aliens is under a duty to receive them back (Oppenheim, Vol. I, p.634).

(Signed) I. Mervyn Jones.

27th September, 1947.

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Reference - FO 371 / 41847

Telephone :
Mansion House 1515
Extension :

SOLICITOR'S OFFICE,
H.M. CUSTOMS AND EXCISE,
CITY GATE HOUSE,
FINSBURY SQUARE, E.C.2.

Your Ref. E.4219/48/31

CONFIDENTIAL

11th November, 1947.

4219 48 31

149

Dear Beith,

11 NOV 1947

I am extremely obliged to you for
the copy of your letter of the 7th instant
to Higham and the copy of Mervyn-Jones'
very interesting and valuable legal
memorandum.

Yours sincerely,

J.G. Gibon

J.G.S. Beith, Esq.,
Foreign Office,
S. W. 1.

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1	2	3	4	5	6

Reference:-

FO 371 / 31837

Military Branch,
Admiralty,
S.W.1.

4219 48 11

pw

150

M.0635/47

8th December, 1947

My dear John,

May you be forgiven for the last paragraph of your letter E.4219/48/31 of the 7th November to Higham about the relation between territorial waters and arrest at sea. Seeing that the letter to which you are replying was written in May, I do not think you can really get away with the view that the Foreign Office have not been informed that ships are, in fact, being boarded outside territorial waters. I thought, in any case, that this was common knowledge between us and the whole purpose of the correspondence was to regularize the position! I trust that this complicated matter will not have to be pursued further in view of the imminence of our departure from Palestine.

Yours ever,

Kit Jodds

J.G.S. Beith, Esq.,
Foreign Office,
S.W.1.

GCBD/NMB

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Reference:-

FO 371 / 61807

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242

1947

E

PALESTINE

151

E 4221

20 MAY

Registry Number E 4221/48/31.

FROM

F.O.

No.

Minutes

Dated

M. Faras

Received in Registry

15, May 1947
20 -

Alleged Immigration.
 Recd list of documents with Al Lewis
 from American Embassy, re alleged
 immigration into Palestine,

Last Paper.

4219

(Minutes.)

JD, May 27

References.

E 4378/48/31

see within.

(Print.)

(How disposed of.)

Ref. W.Yan
4928
May

14.

Ref W.Yan

4927

May 14.

98 C.R.T.O.

(Action completed.)

GEO 29/

(Index)

100/4

Next Paper.

4257

32003 F.O.P

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Reference:-

FO 371/61807

NOTHING TO BE WRITTEN IN THIS MARGIN.

E 1422

20 May

Minutes.

152 A

Mr. Lewis Jones of the U.S. Embassy came to see me this morning to talk about Illegal immigration to Palestine.

I said to Mr. Lewis Jones that illegal immigration was the most contentious aspect of the whole Palestine problem and that we found the negative attitude of the U.S. Government in the matter frankly most unhelpful. Inspite of repeated representations from us, the administration were doing nothing to control or check the advertisements in the U.S. press for the collection of funds to further illegal immigration, and I drew his attention to the report in this morning's Daily Express of a frankly disgusting advertisement inserted by Ben Hecht. I went on to say that in our recent talks with the French and Italian Governments to secure their co-operation in controlling illegal immigration we had found that both Governments were anxious to be as co-operative as possible, but were clearly nervous of the possible effect on their relations with the U.S. Government if their co-operation went too far. Besides, it was quite clear that the main stream of potential illegal immigrants was passing through the U.S. zones of Germany and Austria, where little or nothing was being done to control them.

also card
I went on to say that, speaking off the record, and informally, it was quite clear to us that the American Joint Distribution Committee and Jewish elements in U.N.R.R.A. were being active in the promotion of illegal immigration. We had however no conclusive proof of this and I asked Mr. Lewis Jones not to report anything to the State Department on this point.

Mr. Lewis Jones listened sympathetically and said that he would send a telegram to the State Department on the subject.

Planned
15th May, 1947.

W.M.J. 15/5

M.B.
S.V.

1	2	3	4	5	6
1	2				

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Reference:-

FO 371 / 61807

Minutes.

153

Extract from "Daily Express" of 15th May, 1947.

EVERY TIME A BOMB
GOES OFF—

Holiday in my heart, says Ben Hecht



Express Staff Reporter

NEW YORK, Wednesday.— Ben Hecht, the American anti-British writer, today published a "Letter to the Terrorists of Palestine" as a full-page advertisement in the New York Post.

This is what he wrote:—
"Every time you blow up a British arsenal, or wreck a British jail, or send a British railroad train sky high, or rob a British bank, or let go with your guns and bombs at British betrayers and invaders of your homeland, the Jews of America make a little holiday in their hearts."

"Not all Jews, of course. The only time Jews present a united front is when they lie piled by millions in massacre pits."

Nothing to be Written in this Margin.

So Hecht takes a holiday

JERUSALEM, Wednesday.— Two British soldiers were wounded by an anti-personnel bomb in the open-air cinema at Sarafand Camp tonight.

Jewish thugs smuggled the bomb, in a haversack, past the camp guards. Sarafand, 30 miles from Jerusalem, is Palestine's biggest Army camp.

There were three explosions in Hadera, near Haifa. Later two Jews carrying Sten guns and explosives were arrested.

'WE CHEER'

Tonight I asked Hecht: "Do you really rejoice when British men are killed?"

Said he: "We rejoice when the British people in Palestine are defeated. We cheer every defeat they suffer."

One of the letter's purposes, he said, was to increase subscriptions to the Palestine Resistance Fund. "Money is coming in, but we need millions of dollars."

Films written by Hecht include "Crime Without Passion" and "Angels Over Broadway."

It was reported last year that part of the profits from his anti-British play "A Flag is Born" went to his fund for smuggling immigrants into Palestine.

*This clearly calls
for a very strong
letter to
Washington.
Subsidy
J. L. Garrison*

*(J. L. Garrison)
15/5/47
15/5/47*

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Reference:- FO 371/31897

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

I.
P.
G.

Draft.

Washington

Telegram.

No. 492

(Date) May 17

Repeat to :—

V.K. Delegation

N.Y. 1475

M.B.

15/5

En Clair.

CDDK

CCDK

Distribution :—

Cabinet Dis =

Illegal
Immigration

Agreed with N.A. Dell.

Copies to :—

MM-15/5

A

154

OUT FILE F.O.,

May 1947.

Despatched 15/5 M.

IMMEDIATE

It is reported in ~~this morning's press~~ (15 May 15) that New York Post of 14th May contained a full page advertisement publishing a "Letter to the Terrorists of Palestine" of which Ben Hecht is the author. Following is given as Verbatim extract. Begins.

"Every time you blow up a British arsenal or wreck a British gaol, or send a British railroad train sky-high, or rob a British bank, or let go with your guns and bombs at British betrayers and invaders of your homeland, the Jews of America make a little holiday in their hearts."

"Not all Jews of course. The only time Jews present a united front is when they lie piled in massacre pits."

2. See my immediately following telegram.

FJD

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Reference:-

FO 371/61807

OUT FILE

155

En Clair

CABINET DISTRIBUTION

FROM FOREIGN OFFICE TO WASHINGTON

NO. 4987

17th May, 1947. D. 1.55 p.m. 17th May, 1947.

Repeated to U.K. Delegation New York No. 1475.

0 0 0

IMMEDIATE

It is reported in press of May 15th that New York Post of 14th May contained a full page advertisement publishing a "Letter to the Terrorists of Palestine" of which Ben Hecht is the author. Following is given as verbatim extract.

[Begins].

"Every time you blow up a British arsenal or wreck a British gaol, or send a British railroad train sky-high, or rob a British bank, or let go with your guns and bombs at British betrayers and invaders of your homeland, the Jews of America make a little holiday in their hearts".

"Not all Jews of course. The only time Jews present a united front is when they lie piled in massacre pits".

2. See my immediately following telegram.

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Reference:- FO 371/318/7

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

I.
P.
G.

Draft.

Washington

Telegram.

No. 4928

(Date) May 17

Repeat to :—

V.K. Delyon

N.Y. 1476

Box Clxx
Codex
Cypher.

Distribution :—

Cabinet
(Illegal
Immigration,
Circulation)

Agreed with NAD

Copies to :—

MM
M 15/5
MB 15/V

OUT FILE

156

F. O.,

May 1947.

Despatched 2.30 P.M.

IMMEDIATE

My immediately preceding telegram.

This advertisement is the most disgusting one that has appeared so far, to my knowledge, in the U.S. press, and I shall be glad if you should make immediate further representations to the State Department in the strongest possible terms, on the subject. Hecht is reported in the Daily Express as having told that paper's New York correspondent that one of the letter's purposes was to increase subscriptions to the Palestine resistance fund. It is, in fact, nothing more or less than an appeal for funds to aid Jewish terrorist activities in Palestine which are resulting, almost daily, in the loss of British lives, British Arabs and Jewish, for which we as Mandatory are responsible.

2. You should impress upon the State

Department that it is intolerable that such advertisements should appear in the press of a country friendly to Great Britain and that I expect that now at last the administration will be able to take effective measures to put a stop to them. If the administration do not act now, it is to be expected that future advertisements will sink to even lower depths.

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Reference:-

FO 371/21817

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Cypher/OTP

CABINET DISTRIBUTION

FROM FOREIGN OFFICE TO WASHINGTON

No. 4928

D. 2.02 p.m. 17th May 1947

17th May 1947

Repeated to United Kingdom Delegation New York No. 1476

c c c c c

IMMEDIATE

My immediately preceding telegram.

This advertisement is the most disgusting one that has appeared so far, to my knowledge, in the United States press, and you should make immediate further representations to the State Department in the strongest possible terms. Hecht is reported in the Daily Express as having told that paper's New York correspondent that one of the letter's purposes was to increase subscriptions to the Palestine resistance fund. It is, in fact, nothing more or less than an appeal for funds to aid Jewish terrorist activities in Palestine which are resulting, almost daily, in the loss of lives, British, Arab and Jewish, for which we as Mandatory are responsible.

2. You should impress upon the State Department that it is intolerable that such advertisements should appear in the press of a country friendly to Great Britain and that I expect that now at last the administration will be able to take effective measures to put a stop to them. If the administration do not act now, it is to be expected that future advertisements will sink to even lower depths.

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Reference:-

FO 371 / 61807

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E

1947

158

E 4255

20 MAY

Registry Number } E 4255/48/31

TELEGRAM FROM

No. 11 K.R.C.
Dated New York
Received in Registry } 14114,
19 May 1947
20

PARIS LINE

Proposed Immigration.
 Refers file nos 1421 and 1459 (E 4113/48/31)
 Requested it best not to insist the visa
 not immediately available. Best to let approach to
 the visa with resolution in para 2. of New
 York tel 1400 which documents alleged
 issued at the instant.

Last Paper.

4221

References.

(Minutes.)

Draft reply (Co. agree)

(Print.)

(How disposed of.)

boxed as an

E 4214

May

Re New York. 15-30
S. P. S. dist. May 23
27 May.

(Action completed.)

SAC 26/6

(Index.)

10/14

Next Paper.

4258

S2008 F.O.P.

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Reference:-

FO 371 / 51807

E 4255

| 59

1

20 MAY

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

CYPHER / OTP

WORLD ORGANISATION DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE

(From Permanent United Kingdom Representative
to the United Nations)

No. 1.414. D: 11.00 a.m. 19th May, 1947.

19th May, 1947. R: 5.21 p.m. 19th May, 1947.

Repeated to: Washington,
Moscow,
Jerusalem (Immediate).

IMMEDIATE

GIANT

Your telegrams Nos. 1,421 and 1,459.

Palestine: illegal immigration.

I thought it best not to inject

I thought it best not to inject this issue into Assembly debate but to link approach to Secretary General with resolution in paragraph 2 of my telegram No. 1400 ✓ 14/13 which Norwegian delegate moved at my instance. 1-2319

2. I propose therefore now to address to Secretary General a note referring to above resolution and continuing as in my note No. 28 of April 15th copy of which was sent to you. I had withdrawn latter note on receipt of your telegram No. 1,254 and the opportunity might now be taken to substitute more up-to-date figure in first sentence of second paragraph. Please telegraph latest information for this purpose. "May 1939" will be substituted for "December 1945" at end of same paragraph.

Foreign Office please repeat to Moscow and Immediate
to Jerusalem as my telegrams Nos. 196 and 15 respectively.

[Repeated to Moscow. Copies sent to Telegraph Section,
Colonial Office for repetition to Jerusalem.]



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Registry
No. E4255/48/31

OUT FILE

160

Draft.

U.K. Del.

N.York

Telegram. 1530

May 23rd

Cypher

World organ.
distr.

Repeat Moscow
Washington
Jerusalem

Co. concur

NOTHING TO BE WRITTEN IN THIS MARGIN.

Despatched 23/5/1948 M.

IMMEDIATE

Your Tel. No. 1414 [of May 19:
Jewish illegal immigration]

I agree. Please substitute
in first sentence of para. 2
of Note of Apr. 15 "during
the six months from
mid-October 1946 onwards"
approximately 15,000

J.B. May

1	2	3	4	5	6

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Reference:-

FO 371/31837

OUT FILE

161

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].
E 4255/48/31

Cypher OTP

WORLD ORGANISATION DISTRIBUTION

FROM FOREIGN OFFICE TO NEW YORK

(To Permanent United Kingdom Representative to the United Nations)

No. 1550

23rd May 1947. D. 5.10 p.m. 23rd May 1947.

Repeated to Moscow No. 1743
Washington No. 5125
Jerusalem

IMMEDIATE

RRRRRR

Your telegram No. 1414 [of May 19th: Jewish illegal immigration].

I agree. Please substitute in first sentence of paragraph 2 of Note of April 15th "during the six months from mid-October 1946 onwards approximately 15,000....."

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Reference:-

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FO 371 / 61807

	Palestine	E4260 /G 162 20 MAY 1947
124	EASTERN	
E4260/48/G	Illegal immigration: "President Warfield"	
Mr Hall Adly to Mr Bevin	Encloses Summary of implications of locating & shadowing "the President Warfield."	
Dated 15 May		
Received 20 May		
Last Paper.	(Minutes.)	
E4258	B.S. Bevin May 23	
References.		
(Print.)	I think we should submit a draft reply thanking Lord Hall and adding that from information so far available the steps we have taken in respect of the President Warfield do seem to be producing results.	
(How disposed of.)	R.G. ✓ 23/5	
✓ 1) File Lord Adly from SOS ✓ 5th Avenue		
✓ 2) H/S ref SOS Colonies ✓ 6th Avenue		
(Action completed.)	(Index.)	
✓ 10 ✓	W.H.	
Next Paper.		
E4246 (E491)		

30047 F.O.P.

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Reference:- FO 371 / 61807

29 MAY 1947

三 48

Top Secret.



S/S E4260

Eastern X.P. MAY 1947

15th May, 1947.

163

My dear Ernest.

At Tuesday's meeting you asked me to look into the possibility of "shadowing" the PRESIDENT WARFIELD, which is now in Italian waters preparatory to loading illegal immigrants for Palestine.

After discussing the implications of such a proposal with the First Sea Lord, I arranged for instructions to be issued to the Commander-in-Chief, Mediterranean to "shadow" this vessel when she emerges from Italian territorial waters. You may like to see the attached copy of the signal conveying these instructions.

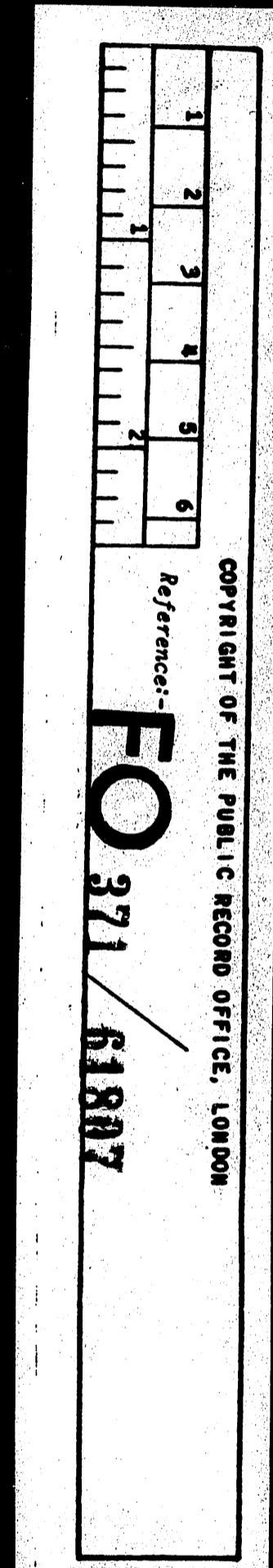
I would not like you to think that there are no difficulties in this operation, and I am accordingly sending you the attached summary of the implications of locating and "shadowing" this ship. To offset the delay inherent in the distance from Malta to the Franco/Italian coastal frontier, we hope to get 48 hours notice of the ship's departure and anything that you can do to ensure that the Italian authorities supply this would be appreciated.

The Commander-in-Chief has been asked to notify us of all developments, and I will see that you are kept informed.

I am sending a copy of this to Alexander.

Yours sincerely
George.

The Right Honourable Ernest Bevin, M.P.



164



TOP SECRET.

Implications of Locating and Shadowing
PRESIDENT WARFIELD.

Distance - Porto Venere coastwise to Italian frontier is 130 miles (16 hours at 8 knots).

Malta to Italian frontier is 580 miles (39 hours at 15 knots).

Italian frontier to Marseilles 130 miles.

If a destroyer from Malta is sailed at the same time as PRESIDENT WARFIELD leaves Porto Venere, there will be about 24 hours during which PRESIDENT WARFIELD may steam in any direction.

High speed on passage is not desirable owing to reduction in subsequent endurance. (Endurance of Ch.

destroyer is 3720 miles at 14 knots).

2. If, however, advance information of her probable time of departure can be obtained, H.M. Ship should be able to reach the area before the ship leaves Italian territorial waters. This warning depends on Italian co-operation.

3. If there is a period during which no one is in contact with her, it may take some days to find her in which case it would probably be necessary to use an Aircraft Carrier.

If the loading of passengers takes place off Corsica, this would probably have been completed before contact was regained.

4. It appears probable that as the arrangements for the

immigrants/.....

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2					

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- 2 -

immigrants will have been upset by delay to PRESIDENT WARFIELD, she will proceed to Marseilles to obtain new orders.

5. If ship goes into Marseilles either a patrol will have to be maintained outside, or unless an agreement can be reached with the French, she is unlikely to be located again before arrival in the E. Mediterranean.

6. If the ship proceeds elsewhere, she will have to be shadowed until her arrival off Haifa, after possibly calling at Greek Islands en route.

7. If this operation becomes prolonged relief shadowers will have to be provided. In any case a minimum of three ships will have to be assigned to the task involved by this one illegal immigrant ship.

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OUR MESSAGE OR POSTGRAM (Delete as necessary)

FOR WAR REGISTRY USE ONLY.

No. of
Addressees

PASS TO:-

ADDRESS (See Note (iii))

Date: **14.5.48**

Indication of Priority

(Delete as necessary)

XXRERRRRXXX
(See Note (i))

XXRQCKNXX

MOST IMMEDIATE

(See Note (ii))

FROM ADMIRALTY

MOST SECRET
SECRET
CONFIDENTIAL
NON-CONFIDENTIALDelete as
necessary

FOR WAR REGISTRY USE ONLY.

It is most important to ascertain the country from which any illegal immigrants picked up en route by "President Warfield" embarked.

2. "President Warfield", at present in Porto Venere, near Spezia, is being delayed by Italian authorities who are being asked to order her to return coastwise to Marseilles as her certificate of seaworthiness is only valid for coastal traffic.

3. In these circumstances ship would be escorted by Italian Navy until she enters French Territorial waters. After which she may repeat MAY proceed to pre-arranged rendezvous for embarkation of illegals, but alternatively, she may repeat MAY proceed to French port.

4. F.O.L.I. is to report anticipated time of departure of "President Warfield" by Emergency Signal, and to ensure that Italian authorities keep him constantly informed of her movements: such reports being transmitted to C. in C. Med.

5. C. in C. Med. is requested to arrange for a ship to locate and shadow "President Warfield" after she leaves Italian territorial waters. The Foreign Office have been asked to ensure that two days' notice of "President

Notes: (i) DEFERRED should be used whenever a delay in delivery of up to 36 hours is acceptable.
(ii) Priority (IMPORTANT or above) is seldom justified for other than operational messages. Where it is essential, insert priority required in this space and asterisk against addressee(s) requiring the priority. If priority to all is essential, state "to all."
(iii) Write BASEGRAM where appropriate, after any sea-going addressee.
FOR FURTHER INFORMATION SEE OFFICE MEMORANDUM 39/42.

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Reference:-
FO 371/51837

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OUR MESSAGE OR POSTAGRAM (Delete as necessary)

FOR WAR REGISTRY USE ONLY.

No. of
Addressees

PASS TO:-

ADDRESS (See Note (iii))

Date:-

Indication of Priority

(Delete as necessary)

DEFERRED
(See Note (i))

ROUTINE

(See Note (ii))

- 2 -

FROM ADMIRALTY

MOST SECRET
SECRET
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necessary

FOR WAR REGISTRY USE ONLY.

"Warfield's" sailing from Porto Venere is given.

6. Since embarkation of illegals might take place at any point on her voyage, it will be necessary to shadow the ship throughout her journey to Palestine. The ship or ships detailed should keep Admiralty and C. in C. Med. fully informed regarding movements and actions of "President Warfield", and if embarkation of passengers takes place on high seas from boats or small vessels, every effort should be made to identify such vessels by name, number and port of registration. Numbers of persons transferred from each vessel should if possible be reported.

141841

FIRST SEA LORD.
(1169)W.R.
1 S.L. (3)
5 S.L.
V.C.N.S.
1st Lord.
U.S.S.
M.
O.D.
D. OF P.
D.N.I.
D.S.D.
D.C.Advance Copies have been sent to:
Private Office for:
Foreign Secretary and
Secretary for the Colonies.Foreign Office: (Mr. Beith)
Cabinet Office: (Cdr. Everard)

Notes:—(i) DEFERRED should be used whenever a delay in delivery of up to 36 hours is acceptable.
(ii) Priority (IMPORTANT or above) is seldom justified for other than operational messages.
Where it is essential, insert priority required in this space and asterisk against addressee(s) requiring the priority. If priority to all is essential, state "to all."
CAUTION Write BASEGRAM where appropriate, after any sea-going addressee.
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Registry
No. E 4260/48/G

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft. J.C.S.B.

First Lord of the
Admiralty

from: Secretary of
State.

Copy to
Min. of Defence
S/S for Colonies.

Private Secretary
First P.D.

MR 3/6

(Intld.) C.W.B.

NOTHING TO BE WRITTEN IN THIS MARGIN.

3148 Wt. 26469/137 100m 9/46 (51) F&S.

50
168
+ D. G. H.
FOREIGN OFFICE,
S.W.1.

June 5th
May, 1947.

I was very grateful for your top secret letter of May 15th confirming that steps were being taken by the Commander-in-Chief, Mediterranean to "shadow" the "PRESIDENT WARFIELD", and for the enclosure showing that very careful planning was needed.

The action taken by the Royal Navy has resulted in the temporary immobilization of the "PRESIDENT WARFIELD" and has therefore been most valuable. It seems, moreover that the practice of "shadowing" illegal immigrant vessels is likely to yield important results by enabling us to establish definite evidence as to where illegal immigrants are embarked, which is vital to our representations to the Governments of the countries of embarkation.

I am most grateful for your efforts.

I am sending copies of this letter to Alexander and Creech-Jones.

4/6

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5th June, 1947.

(E 4260/48/6)
~~TOP SECRET~~

Dear George

I was very grateful for your top secret letter of the 15th May confirming that steps were being taken by the Commander-in-Chief, Mediterranean to "shadow" the "President Warfield", and for the enclosure showing that very careful planning was needed.

The action taken by the Royal Navy has resulted in the temporary immobilization of the "President Warfield" and has therefore been most valuable. It seems, moreover that the practice of "shadowing" illegal immigrant vessels is likely to yield important results by enabling us to establish definite evidence as to where illegal immigrants are embarked, which is vital to our representations to the Governments of the countries of embarkation. I am most grateful for your efforts.

I am sending copies of this letter to Alexander and Creech-Jones.

Yours sincerely

Kenneth Lewis

The Right Honourable
Viscount Hall.

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Reference:-

FO 371 / 34817

		Box 287
	Inverline	E 4246/G 170
65	EASTERN	
<p>³¹ E 4246/48/G</p> <p>Mr Rose Copenhagen 229</p> <p>Dated 20 May Received 21 May.</p>		<p><u>Illegal immigration</u></p> <p>Reps to F.O. dep (E 3456/48/G) Reports that Danish authorities cannot hold Sam Eusebius.</p>
Last Paper. E 4260 (E 4212)	(Minutes.)	
References.	<p>See on omnibus folder</p> <p>JB May 23</p>	
(Print.)		
<p>(How disposed of.)</p> <p>Rtd. Athens no 1102 May 20/6</p>		
(Action completed.) 2F 23/5	(Index.) W.H.	
Next Paper. E 4360		

30471 F.O.P.

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Cypher/OTP

上

DEPARTMENTAL NO. 2

171
END

FROM COPENHAGEN TO FOREIGN OFFICE

Mr. ROSE
No. 229

20th May, 1947.

21 MAY 1947

R. 5.40 p.m. 20th May, 1947.

MOST IMMEDIATE

10000M

E. Green

Your despatch No. 197 of May 9th: Jewish illegal immigration.

San Eusebio obtained Greek (repeat Greek) registry today and Eliadis, the nominal owner, is here and expected to settle debts on her and Basilio (now at Gothenburg) immediately with dollars for which he has telegraphed United States. Danish authorities will not (repeat not) be able to hold the ship while her new registry is valid and there are no charges against the ship.

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371 31877

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